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ACTS

PASSED AT THE

FIRST SESSION

OF THE

SIXTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE SIXTEENTH DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND FIVE.

KNOXVILLE.

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1805.

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ACTS

OF THE

STATE OF TENNESSEE.

CHAPTER I.

AN ACT *to compel the Clerks of the Courts of Equity, Clerks of the Superior Courts of Law, Clerks of the County Courts, Registers and Rangers of the different counties in this State, to keep their Offices at the places of holding their respective Courts.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of August next, the clerks of the courts of equity, clerks of the superior courts of law, clerks of the county courts, registers and rangers, either by themselves or lawful deputies, shall keep their offices within the county town, or place established by law for holding their respective courts, and that all the public papers and records belonging to their said offices, be, and at all times remain there.

SEC. 2. *Be it enacted*, That it shall at all times after the said first day of August, be the duty of each of the said officers, by himself or deputy, to give due attendance at their said offices, for the purpose of performing their official duties under the regulations and restrictions set forth in an act, entitled, "An act authorising the several courts to remove their clerks for misbehaviour in office." Passed at Knoxville, November 13th, 1801.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER II.

AN ACT *to authorise the different Superior or County Courts of Law in this State to alter the names of illegitimate persons.*

WHEREAS *the frequent applications to this General Assembly, have become troublesome, and have a tendency to expose the morals of society, and unnecessarily put the State to considerable expence for public printing, and time of the Legislature. For remedy whereof:*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, any of the superior or county courts of law in this state, shall have full power and authority to alter the name of any illegitimate person on application of any person wishing to make legitimate any of their off-spring not born in wedlock: *Provided*, said applicant intends to make said illegitimate person heir, or joint heir to his or her estate.

SEC. 2. *Be it enacted*, That each applicant shall prefer a petition to the court, setting forth his or her reasons for legitimating said person; and if the court should think the reasons sufficient as stated in the petition, they shall direct the petition to be recorded at length, together with the opinion of said court, that said person made legitimate as aforesaid, have become heir or joint heir of the person petitioning.

SEC. 3. *Be it enacted*, That the clerks of the superior or county courts, shall receive the sum of two dollars, to be paid by the person applying for the same, as a full compensation for his services.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER III.

AN ACT *to alter the names of certain persons therein mentioned.*

WHEREAS *John Henderson of Greene County, hath petitioned this General Assembly to alter the name of William Miller, (an orphan) to that of William Henderson:* And Whereas, *it is the request of John Hamilton, of Sumner county, to alter the name of James Snody, to that of James Hamilton.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, that the name of William Miller, aforesaid, is hereby altered and changed to that of William Henderson — and that the said William Henderson is hereby adopted the son of the said John Henderson, and shall in all respects whatever, both in law and equity, be upon an equal footing with the legitimate children of the said John Henderson, and shall be entitled to all the privileges and advantages that he, the said William Henderson possibly could be, provided he had been born the legitimate son of the said John Henderson.

Sec. 2. *Be it enacted,* That from and after the passing of this act, that the name of James Snody, aforesaid, is hereby altered and changed to that of James Hamilton, and that the said James Snody is hereby adopted the son of the said John Hamilton, and shall in all respects whatever, both in law and equity, be upon an equal footing with the legitimate children of the said John Hamilton, and shall be entitled to all the privileges and advantages that he, the said James Hamilton possibly could be, provided he had been born the legitimate son of the said John Hamilton, any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER IV.

AN ACT *to appoint Commissioners to settle with persons heretofore appointed Commissioners in the county of Cocke, to contract for the public buildings, and for the regulation of*

the town of Newport, in the county aforesaid, by an act of the General Assembly passed at Knoxville, the 9th day of October, 1797.

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Isaac Leonard, Abraham M'Coy and John Inman, be appointed to call on all persons who have heretofore been appointed by law to fix on a place to erect a court-house, prison and stocks in the county of Cocke, and to contract for the public buildings in the county aforesaid, and a final settlement to make with the aforesaid commissioners; and said commissioners shall make a fair statement of all sums by them expended, to whom paid, and for what purposes, and shall return the same to the county court aforesaid, which shall be entered on the records.

SEC. 2. *Be it enacted*, That the better to enable the said commissioners to make and compleat the aforesaid settlement, they are hereby empowered to call on all persons who may have any accounts respecting the aforesaid buildings, and the clerk of the aforesaid county shall lay before the aforesaid commissioners, a fair statement of the amount of all taxes laid on the aforesaid county, for the purpose of erecting the public buildings, setting down the particular year, and the amount of the sum in each year.

SEC. 3. *Be it enacted*, That if the clerk, sheriff, or the commissioners who were appointed to contract for the public buildings in the county aforesaid, shall refuse, or neglect, when called on, to furnish the commissioners appointed by this act, with all papers and vouchers that they may deem necessary, which are or may be in their hands or possession, shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, by the said commissioners, and when recovered to be applied to the use of the county aforesaid.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER V.

AN ACT, *to amend an act*, entitled, "*An act for the better establishment and regulation of the Militia of this State*," *so far as respects the county of Hawkins.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons liable to do militia duty, residing North of Clinch Mountain, and within the limits of the county of Hawkins, shall be laid off and compose the third battalion in the Hawkins regiment; and the said battalion shall be governed by the same laws, rules and regulations, and enjoy similar privileges with the battalions already formed in the regiment aforesaid.

SEC. 2. *Be it enacted*, That the time for holding battalion musters, and the officer to command the same, shall be regulated by the regimental court-martial at their first setting after the passing of this act, and prior to that, if necessity should require, the colonel commandant shall fix such place, as in his judgment shall be most central, and appoint one of the majors to command, which appointment shall be considered temporary, and liable to be altered by the regimental court-martial at any subsequent period.

SEC. 3. *Be it enacted*, That this act shall not be so construed as to alter, abolish or change any part of the militia law of this state, except so far as respects the organization of the third battalion in the Hawkins regiment, and that the said battalion shall in every respect be governed by the same laws as heretofore, except where it is otherwise provided for by this act, any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VI.

AN ACT *declaring certain words actionable, and to enable persons indicted for libels to give the truth of the matter in evidence, under the plea of not guilty.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That if any person shall wrongfully and maliciously utter, publish and declare any words of another, importing a charge of adultery or fornication, he, she, or they, shall be liable to an action at the suit of the party injured.

Sec. 2. *Be it enacted*, That in cases of indictments for libels, the person or persons charged, may give the truth of the matter charged in the indictment in evidence, under the plea of not guilty, and shall have every advantage thereof, that they now can have under any plea of justification in actions for libels.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VII.

AN ACT *to compel the attendance of Commissioners appointed for the regulation of the different towns in this state.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of each and every commissioner appointed for the regulation of the respective towns in this state, to meet at the time and place appointed by the board of commissioners in their respective towns, at least once in every three months, and oftner if necessary, on the third days of the different county courts, and on failure thereof, (without a reasonable cause) shall pay the sum of one dollar to the commissioners for the use of said town, to be recovered before any justice of the peace for the county in which the forfeiture may accrue, by a warrant in the name of the chairman of the commissioners of the town.

Sec. 2. *Be it enacted*, That the presiding member of all boards of commissioners of towns in this state, shall in future be known and distinguished by the name of chairman of the board over whom he presides.

Sec. 3. *Be it enacted*, That each commissioner at their next meeting after the passing of this act, and before entering on the

duties of their appointment, shall take the following oath. I A. B. do solemnly swear or affirm (as the case may be) that I will well and truly discharge the duties enjoined on me by law, as commissioner of the town of to the best of my skill and judgment. SO HELP ME GOD. *Provided always*, that any commissioner of any town, may resign his appointment to the board when he thinks proper.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VIII.

AN ACT, *to repeal the second section of an act, respecting Dollars and Cents and Contracts, and the manner of keeping Accounts, so far as respects the currency in which contracts shall be made and accounts kept.*

BE *it enacted by the General Assembly of the State of Tennessee*, That the second section of the before recited act, passed the fifth of January, in the year of our Lord one thousand seven hundred and ninety-nine, be, and the same is hereby repealed; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER IX.

AN ACT *to establish and confirm James Roddy's mill-dam across Powel's River.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the mill-dam erected by James Roddye across Powel's river, be established and confirmed: *Provided*, the said James Roddye, or his assigns,

do make, or cauſe to be made, within ſix months after the paſſing of this act, a good and ſufficient ſlope in ſaid dam, ſo that fiſh may paſs without obſtruction, and that boats and other crafts of every deſcription, fit for navigating ſaid river, may paſs and repaſs with eaſe and ſafety: *Provided alſo*, that it ſhall be the duty of the ſaid James Roddye, or his aſſigns, to keep the ſaid ſlope at all times in good and ſufficient repair, and fit for the navigation of boats and other crafts, at his or their own proper coſts and charges.

Sec. 2. *Be it enacted*, That if any perſon or perſons, after the time in this act limited and appointed for the erection of ſaid ſlope, ſhall be obſtructed in the navigation of ſaid river, in conſequence of the erection of ſaid dam, it ſhall and may be lawful for ſuch perſon or perſons to inſtitute a ſuit or ſuits againſt the ſaid James Roddye, or his aſſigns, and ſhall recover ſuch damages as he or they may ſuſtain by reaſon of ſuch obſtruction.

ROBERT C. FOSTER,
Speaker of the Houſe of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER X.

AN ACT *to appoint additional Commiſſioners for the town of Sevierville, and for other purpoſes relative thereto.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That William Porter, Iſaac Love, John Brabſon, Flayl Nichol, Robert Wear, Benjamin Ominet and William Mitchell, are hereby appointed commiſſioners for the town of Sevierville, in addition to thoſe already appointed; which ſaid commiſſioners ſhall have, and are hereby veſted with as full and ample powers as thoſe heretofore appointed, and any number, not leſs than three, ſhall conſtitute a quorum to do any buſineſs relative to ſaid town, within their original authority.

Sec. 2. *Be it enacted*, That the commiſſioners of the ſaid town ſhall, within one month after the paſſing of this act, take

the following oath. I, A. B. do swear or affirm (as the case may be) that I will faithfully execute and discharge the duties of commissioner of the town of Sevierville, to the best of my knowledge and abilities. SO HELP ME GOD.

Sec. 3. *Be it enacted*, That all commissioners hereafter appointed for the said town of Sevierville, shall take the aforesaid oath before they shall enter on the duties of their said appointment.

Sec. 4. *Be it enacted*, That the said commissioners shall choose from their own body a proper person to preside at their meetings as chairman thereof, annually, and shall also appoint a clerk and treasurer, and said treasurer shall keep a regular account of all money received and paid by him, in a book to be kept for that purpose; and the clerk shall keep in a book kept for that purpose, a true and regular account of the proceedings of said commissioners, and shall advertize the rules and regulations by them made when they may deem it necessary: And said commissioners shall cause the said town to be surveyed, designating the lots by fixing a stone at the corner of each lot, and shall cause to be made a plan of said town, in which shall be marked the number of each lot, and the name of the person to whom it was conveyed by the said commissioners.

Sec. 5. *Be it enacted*, That the commissioners of the said town shall have power to lay a tax on the holders of lots in said town annually; not exceeding fifty cents on each town lot; fifty cents on each white poll resident in said town on the first day of January, annually; one dollar on each black poll, and on each stud horse; which said tax shall be collected by warrant under the hand and seal of the chairman and clerk, and directed to the collector of the county, whose duty it shall be to collect and pay over said money to the treasurer of said town, for which he shall be allowed as for collecting the county tax.

Sec 6. *Be it enacted*, That in case any citizen or holder of lots, shall fail to pay any tax laid agreeably to this act, or to give in their property as by this act required, they shall be subject to the same proceedings, and liable to the same penalties as are imposed in case of failing to give in the state and county tax.

Sec. 7. *Be it enacted*, That said commissioners shall annually appoint one of their own body to take in a list of taxable property of said town, at the time and place where the inhabitants

ſhall give in the ſtate and county taxes, and if any perſon or perſons ſhall fail or neglect to return their taxable property to ſaid commiſſioners, upon his reporting the ſame, ſhall be liable to the penalties directed by law in ſimilar caſes.

Sec. 8. *Be it enacted*, That the commiſſioners of the ſaid town may make ſuch bye-laws and acts for the regulation of the ſaid town, as they may deem neceſſary, provided a majority of the acting commiſſioners be preſent, and conſent thereto; which ſaid acts ſhall be binding on the holders of lots in, and citizens of ſaid town, ſuch acts firſt being publiſhed by the clerk of ſaid commiſſioners at the door of the court houſe thirty days before the ſame ſhall be binding on the inhabitants; and where recoveries are not provided for by this act, it ſhall be lawful to ſue for the ſame before any juſtice of the peace for ſaid county.

Sec. 9. *Be it enacted*, That no appropriation of the monies of ſaid town, ſhall be made by ſaid commiſſioners unleſs for the benefit and improvement of ſaid town, or for defraying the expenſes neceſſarily ariſing from carrying the ſame into execution.

Sec. 10. *Be it enacted*, That the ſaid commiſſioners ſhall, within three months after the paſſing of this act, make ſuch titles to thoſe who are entitled to receive the ſame or their agents on application to them made for that purpoſe, conveying ſuch titles as they are authoriſed and directed to make, by an act paſſed at Knoxville, on the tenth day of July, in the year one thouſand ſeven hundred and ninety-five, entitled, "An act appointing commiſſioners to erect a court-houſe, priſon and ſtocks in the county of Sevier, and to lay out and eſtabliſh a town in the ſame, and for altering the time of holding courts, and apportioning jurors to the ſuperior courts."

Sec. 11. *Be it enacted*, That where any holder of lots in ſaid town, ſhall hold more than one lot joining each other, in that caſe, if ſaid holder builds and make ſuch improvements on any one or more of ſaid lots ſo joining as aforeſaid, of his own property, the value of which ſaid improvements ſhall be equal to the value of the improvements required to be made by the before-recited act on each lot ſo poſſeſſed, ſuch improvement ſhall be conſidered as a compliance with the ſaid before-recited law, if made within two years from the date of their reſpective deeds or conveyances made to them by the commiſſioners aforeſaid; and in caſe any holder of a lot or lots, ſhall fail to

improve agreeable to the requisitions of the before-recited act, or of this act, the lot or lots, so suffered to be and remain unimproved, shall revert to the said commissioners, and be disposed of as by the laid before-recited act directed.

Sec. 12. *Be it enacted*, That the treasurer of the said commissioners of said town, shall lay before the county court of said county, a true account on oath, of all monies by him received and disbursed, at the first court after the first day of January, annually.

Sec. 13. *Be it enacted*, That the said treasurer shall receive the same compensation for receiving and disbursing said monies, as the treasurers of counties are allowed for similar services.

Sec. 14. *Be it enacted*, That the said commissioners shall not receive any compensation for their services.

Sec. 15. *Be it enacted*, That all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed and made void.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 3*d*, 1805.

CHAPTER XI.

AN ACT *to enable persons having a right or title to land, and not in actual possession thereof, to transfer their interest.*

WHEREAS *it has lately been adjudged in this state, that persons having a right or title to land in the possession of another, cannot convey such an interest therein as to enable the grantee to recover the possession thereof, in an action of ejectment. For remedy whereof:*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall and may be lawful for any person or persons having a right or title to land, although he, she or they may be out of possession, and notwithstanding there may be an

adverſe poſſeſſion, to ſell, and convey, and transfer his, her, or their intereſt, in and to the ſame, in as full and ample a manner as if he, ſhe or they had been in actual poſſeſſion of the land intended to be conveyed, and the grantee or grantees ſhall have the ſame right of action to recover the poſſeſſion thereof, that the grantor or grantors had at the time of executing the conveyance.

Sec. 2. *Be it enacted*, That in all caſes of actions hereafter to be brought in any of the courts of this ſtate, it ſhall and may be lawful for the grantee or grantees claiming an intereſt under a conveyance for land heretofore made, although the grantor or grantors were out of poſſeſſion, and notwithſtanding there was an adverſe poſſeſſion at the time the conveyance was executed, to derive the ſame benefit and advantage therefrom, as if the grantor or grantors had been in actual poſſeſſion at the time of executing the conveyance; any law, uſage or cuſtom to the contrary notwithſtanding.

Sec. 3. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, be, and the ſame is hereby repealed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER XII.

AN ACT *making good the regiſtration of all deeds, regiſtered by William Wilſon, deputy of James Stinſon, regiſter of Greene county.*

BE *it enacted by the General Aſſembly of the State of Tennessee*, That all deeds, or certified copies thereof, that have been regiſtered in the regiſter's office of Greene county, by William Wilſon, deputy of James Stinſon aforeſaid, ſhall be conſidered in law as legal, and ſhall be admitted as evidence in any court of juſtice in this ſtate, in as full and ample a manner as though they had been regiſter-

ed by the said James Sinton ; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 9th, 1805.

CHAPTER XIII.

AN ACT *authorising George Gordon, to complete the Mills he is building on Nolichucky River.*

BE *it enacted by the General Assembly of the State of Tennessee*, That George Gordon, of Greene county, is hereby empowered and authorised to finish and complete the mills that he has begun on Nolichucky river, in Greene county, and to raise and complete the dam on said river : *Provided*, the completion of said dam and mills does not impede the navigation of said river, nor obstruct the passage of fish ; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 9th, 1805.

CHAPTER XIV.

AN ACT *authorising the county court of Sevier, to compensate the commissioners by them appointed for the purpose of ascertaining the line between the counties of Jefferson and Sevier.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Peter Bryan, and Joshua Gist, commissioners appointed by the county court of Sevier, for the purpole of ascertaining the line between the counties of Jefferson and Sevier, be allowed the sum of two

dollars each, for each day they may have ſerved as ſuch, to be paid out of the treaſury of the county of Sevier.

Sec. 2. *Be it enacted*, That Mordecai Lewis, be allowed the ſum of two dollars for each day he may have ſerved as ſurveyor, in running the line between the counties of Jefferſon and Sevier, to be paid out of the treaſury of the county aforeſaid.

Sec. 3. *Be it enacted*, That the chain-carriers attending the aforelaid commiſſioners, be allowed the ſum of one dollar each, for each day they may have ſerved as ſuch, to be paid as aforeſaid.

Sec. 4. *Be it enacted*, That the ſaid court ſhall grant certificates to the aforeſaid commiſſioners, ſurveyor, and chain-carriers, for the ſums they are reſpectively entitled to, from the proof they adduce to ſaid court, of the time each of them hath ſerved as ſuch, which certificates ſhall be paid in the ſame manner, as is provided for the payment of other county dues; any law, uſage or cuſtom to the contrary notwithſtanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 9th, 1805.

CHAPTER XV.

AN ACT, *to amend an act, paſſed at Knoxville, November the 13th*, 1801, *authoriſing the inhabitants ſouth-weſt of the river Holſton, in the lower end of Sullivan county, to hold ſeparate elections.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That it ſhall be lawful for all the inhabitants ſouth weſt of the river Holſton and Watauga below the mouth thereof, in Sullivan county, and thoſe living in the Long Iſland of Holſton, to meet at the houſe of Frederick Brumſtrutter, on the days appointed by law, and vote for a governor, repreſentatives to congreſs, and members to the general aſſembly of this ſtate.

Sec. 2. *Be it enacted*, That it ſhall be lawful for the coroner or deputy ſheriff of Sullivan county, to open and hold ſaid

election at the house aforesaid, for the purpose aforesaid, on the days appointed by law, subject to the same rules and restrictions as therein prescribed.

Sec. 3. *Be it enacted*, That the votes taken as above, shall be counted at the place where they are taken, in presence of the judges appointed to superintend said election; and it shall be their duty to make out a fair statement of the votes given to each candidate; which statement, when made, shall be given under the hands and seals of said judges, and immediately sent to the court house at Blountville, by the returning officer.

Sec. 4. *Be it enacted*, That at all times when vacancies may happen for field officers in said county, that the inhabitants within the bounds aforesaid, who shall be entitled to vote for field officers, shall meet in like manner at the place aforesaid, and vote for field officers; and it shall be conducted under the same rules as are prescribed by law, and the votes so taken shall be considered at all times part of the election aforesaid; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 9th, 1805.

CHAPTER XVI.

AN ACT *giving further time for proving and registering Grants and Deeds, and for regulating Conveyances.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That all grants for lands not registered within the time heretofore prescribed, may be registered at any time within two years from and after the passage of this act; and all deeds and mesne conveyances for the absolute transfer of any estate in lands, tenements or hereditaments, not acknowledged, or proved and registered within the time heretofore prescribed, may at any time within twelve months from the passing hereof, be acknowledged or proved in the manner by law directed, and registered in the county where the land lies; and the said acknowledgment or probate, and registration, shall be as good and valid as if the same had been made within the time heretofore prescribed.

SEC. 2. *Be it enacted*, That from and after the paſſing thereof, all deeds and meſne conveyances for the abſolute transfer of any eſtate in lands, tenements or hereditaments, or for the ſettlement of lands, tenements or hereditaments, or the ſettlement of ſlaves or other perſonal property in conſideration of marriage; and all mortgages and deeds of truſt whatſoever, which ſhall hereafter be made and executed, ſhall be void as to creditors and ſubſequent purchaſers, unleſs the execution of the ſame ſhall be acknowledged by the grantor or bargainor, or proved by two credible witneſſes at leaſt, and regiſtered in the county where the land lies, or in caſe of ſlaves or perſonal property, where the grantor or bargainor reſides, within nine months from the time of executing ſuch deed, meſne conveyance, mortgage or deed of truſt.

SEC. 3. *Be it enacted*, That in all caſes where bills of ſale of negroes have been executed and not regiſtered within the time heretofore preſcribed by law, it ſhall and may be lawful to regiſter the ſame within nine months after the paſſage of this act, and the ſame ſhall be good and valid in law as if regiſtered in the time heretofore preſcribed.

SEC. 4. *Be it enacted*, That powers of attorney authoriſing the conveyance of land, may, on being proved in the manner in which deeds and other conveyances of land are by law required to be proved, be regiſtered in the regiſter's office, of the county in which the land authoriſed to be conveyed ſhall lie. And atteſted copies of ſuch powers of attorney ſhall be legal evidence in the ſame manner as copies of deeds and other conveyances of land, by law required to be regiſtered.

SEC. 5. *Be it enacted*, That the ſeveral regiſters of this ſtate ſhall, and they are hereby required to regiſter all powers of attorney delivered to them for that purpoſe, and proved as herein-before-mentioned, on receiving from the perſon requiring the ſame to be regiſtered, the ſum of fifty cents, and the like ſum for each copy by him given of any ſuch power of attorney.

ROBERT C. FOSTER,
Speaker of the Houſe of Repreſentatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XVII.

AN ACT *to establish an Academy in the District of Mero, and for other purposes.*

WHEREAS *it has been communicated to this General Assembly, that sundry inhabitants in the said District of Mero, have for several years kept up a School in the vicinity of Nashville, called the Valadolid Academy, and are now erecting a commodious building for the use of the same; And the Legislature of this State feeling a lively interest in promoting every measure so well calculated to diffuse useful knowledge, and with it all the virtues that adorn the character of a free and enlightened people:*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Joel Lewis, Robert C. Foster, Robert White, Benjamin D. Wills, Thomas A. Claiborne, Robert Searcy and George M. Deaderick, gentlemen, be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Valadolid Academy," and by that name shall have perpetual succession and a common seal.

Sec. 2. *Be it enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be capable in law to purchase, receive, and hold to them and their successors, forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased by, or sold, devised or given to them for the use of said Academy, and to sell or otherwise dispose of the same in such manner as to them shall seem most conducive to the advantage of said Academy.

Sec. 3. *Be it enacted*, That said trustees or a majority of them, by the name aforesaid, may sue or be sued, plead and be impleaded in any court of law or equity, and they shall from time to time have power to make such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, as they shall deem necessary for the good order and regulation of said Academy, and to appoint a President, Secretary, Tutors, Treasurer, and other persons necessary for conducting the business of the institution; erect the necessary buildings, and do all such o-

ther matters and things as to them shall seem best for the promotion of the same, and for securing and improving the property aforesaid; the said Trustees or a majority of them, shall have power to make and receive subscriptions to the use, and for the benefit of said Academy, and in case any person shall fail to comply with his or her subscription, to enforce payment thereof by warrant or motion as the case may require, before a justice of the peace, or the court of the county where the delinquent subscriber resides, ten days notice of such motion being given.

Sec. 4. *Be it enacted*, That all vacancies, occasioned by death, resignation, removal, or otherwise, of any of the said Trustees, shall be supplied by the choice of the remaining Trustees or a majority of them.

Sec. 5. *Be it enacted*, That this act shall commence and be in force from and after the passing thereof.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XVIII.

AN ACT *to suspend certain Acts therein mentioned.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the act, entitled, "An act to confirm and make good all lawful entries made, and warrants and grants issued by the state of North-Carolina, for lands lying within the limits of this state, and to authorise the Secretary and Governor of the same to perfect titles on all the lawful entries and warrants that are not yet perfected," be, and the same is hereby suspended until the end of the next session of the General Assembly, except the seventh section of the before-recited act.

Sec. 2. *Be it enacted*, That the act entitled, "An act for establishing offices for receiving entries of claims for all vacant lands within the several counties in this state, and ascertaining the method of obtaining titles to the same," passed January 6th, 1799. And an act entitled, "An act appointing survey-

ors and entry takers, and directing their duties in office," paſſed November 14th, 1801; and all acts and parts of acts in any wiſe relative to perfecting titles by grant, original ſurvey, or entering vacant and unappropriated lands, iſſuing warrants upon certificates, or otherwiſe, paſſed by the Legiſlature of this ſtate, be, and the ſame are hereby ſuſpended until the end of the next Seſſion of the General Aſſembly, except ſuch parts thereof as relates to the appointment and duty of county ſurveyors, for dividing, re-ſurveying, &c. of ſuch tracts as have been acted upon, and performing the duties as ſuch: *Provided*, nothing herein contained ſhall be ſo conſtrued, as to effect the compact entered into between this ſtate and the ſtate of North Carolina.

ROBERT C. FOSTER,
Speaker of the House of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XIX.

AN ACT *appointing Commiſſioners for the regulation of the town of Tazewell, in the county of Claiborne.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That Iſaac Lane, Walter Evans, Abel Langham, James Grayham, Henry Baker and John Briſtoe, are hereby appointed commiſſioners for the regulation of the town aforeſaid.

Sec. 2. *Be it enacted*, That the ſaid commiſſioners ſhall and may take upon them the regulation of the ſaid town, having regard to the manner and form the ſame hath heretofore been laid out by former commiſſioners by law appointed for that purpoſe.

Sec. 3. *Be it enacted*, That from and after the paſſing of this act, the commiſſioners aforeſaid ſhall be, and they and every of them, are hereby conſtituted directors and truſtees for the deſigning and improving the town aforeſaid.

SEC. 4. *Be it enacted*, That the ſaid commiſſioners, or a majority of them, ſhall and may cauſe the ſtreets of ſaid town to

be kept in good repair: *Provided*, they call on none but the inhabitants of said town for that purpose; and said commissioners or a majority of them, shall have power to exercise their authority as regulators of said town in all respects whatever.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XX.

AN ACT *to exempt certain persons from serving as Jurors.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, all regular authorised Ministers of the Gospel of all professions in this state, shall be exempt from serving as jurors in any court within this state.

Sec. 2. *Be it enacted*, That all overseers of public roads within this state, being duly appointed according to law, shall be exempt from serving on any jury in the courts of pleas and quarter sessions within this state during the time they hold such appointment; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXI.

AN ACT *to compel defendants against whom actions are brought for the recovery of the penalty for the breach of penal statutes, to give bail as in other cases.*

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, in all cases where a quitam action or actions are to recover the penalty for the breach of any penal statute, the

person or persons against whom such action is brought, shall be held to bail as in other cases of arrest on civil process; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXII.

AN ACT *to release Walter Evans from a forfeited recognizance.*

WHEREAS *Walter Evans entered into recognizance for the appearance of James M'Murry, at a Superior Court for the District of Hamilton, which appears to have been forfeited.* Wherefore, *for sufficient reasons appearing to the General Assembly,*

BE *it enacted by the General Assembly of the State of Tennessee*, That the said Walter Evans is hereby releated from the said forfeited recognizance; any thing to the contrary notwithstanding. *Provided*, nothing herein contained shall be so construed as to exonerate the said Walter Evans from the payment of all the cost which may have accrued on the said prosecution.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate,

October 18th, 1805.

CHAPTER XXIII.

AN ACT *authorising Jeremiah Jack of Knox county, to ereet a Mill or Mills and Dam, across the North Sluice of the first Island in French-Broad River, above the junction thereof with the River Holston.*

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the said Jeremiah Jack, his heirs and assigns,

ſhall have and enjoy the excluſive uſe and benefit of all that part of French Broad river that runs on the North ſide of ſaid Iſland, through his own lands, for the expreſs purpoſe of erecting a mill or mills and dam acroſs the ſame: *Provided*, that the navigation of ſaid river is not impeded thereby; any law to the contrary notwithſtanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18*th*, 1805.

CHAPTER XXIV.

AN ACT *to repeal a part of the ſixtieth ſection of an act, entitled*, "An act to regulate the proceedings of the Courts of Equity," *and for amendment of the law paſſed at Knoxville, the ſecond day of November, in the year one thouſand eight hundred and one.*

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That ſo much of the ſixtieth ſection of the above recited act as authoriſes the verdict of a jury and judgment of the court thereon to be pleaded in bar to any ejectment brought afterwards by the ſame party, or any perſon claiming under him, her or them, on the ſame title, be, and the ſame is hereby repealed and made void.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18*th*, 1805.

CHAPTER XXV.

AN ACT *concerning Moſes Brown.*

WHEREAS *it is repreſented to this General Aſſembly that Moſes Brown of Davidſon county, is an honeſt and reſpectable citizen, and there being ſome doubts as to his degree of blood: For remedy whereof,*

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the

passing of this act, that the aforesaid Moses Brown be, and is hereby entitled to all the privileges with other citizens of this state; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXVI.

An ACT *to confirm a contract between the Commissioners of the town of Greeneville, and David Deaderick, by his agent Valentine Sevier.*

WHEREAS *under the authority of the second section of an act, passed at Knoxville, the third day of November, one thousand eight hundred and three, entitled, "An act giving more special powers to the commissioners for the regulation of the town of Greeneville, and to authorise the court of Greene county, if they think it expedient, to lay an additional tax for the sole purpose as herein contemplated." The commissioners aforesaid, subsequent to the passing of this act, disposed of the jail-lot in said town, to David Deaderick, by his agent Valentine Sevier, aforesaid. Wherefore,*

BE *it enacted by the General Assembly of the State of Tennessee*, That the commissioners aforesaid, or a majority of them, which will not exceed eight in number, are hereby empowered and authorised to execute and grant unto David Deaderick aforesaid, a deed of conveyance for the jail lot in said town, known and represented in the original plan of said town, to be lot, number sixty-one, and to vest the said David Deaderick in an indefeasable right of inheritance in fee simple to said lot with its appurtenances, so far as the right of inheritance is vested in said commissioners; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXVII.

AN ACT to release James Stinson, Ewen Allison, and David Russell, from the payment of a Judgment recovered against them by the Governor in behalf of the State, in the Superior Court of Hamilton District, except as to the sum really due the State.

WHEREAS *a suit was heretofore instituted in the name of the then Governor of this state, against James Stinson register of Greene county, and Ewen Allison and David Russell his securities, for public taxes which the said James Stinson had collected on the registration of grants and conveyances for land; and at the September term of the superior court of law for Hamilton district, in the year one thousand eight hundred and three, a judgment was recovered against the said James Stinson, Ewen Allison and David Russell, for the sum of five hundred dollars, the penalty of the bond which they had entered into for the said James Stinson's true and faithful performance in collecting the public taxes arising on the registration of grants and conveyances for lands registered in Greene county, and for the payment of the same to the public treasurer, in manner prescribed by law, as appears of record in the office of the clerk of said court:*

BE *it enacted by the General Assembly of the State of Tennessee*, That the said James Stinson, Ewen Allison, and David Russell, shall be released from the payment of the before-recited judgment: *Provided*, the said James Stinson does, within six months after the passage of this act, deliver unto the Treasurer of the districts of Washington and Hamilton, a regular and well authenticated account, containing a just and fair statement of all the public taxes by him collected, and which by law he was bound to pay into the public treasury, and pay the amount of the said account into the hands of the said treasurer; and also pay all costs which accrued in recovering said judgment; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXVIII.

AN ACT *concerning the Natchez Hospital.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That James Hennin, John Sommerville, and Duncan Robertson, Gentlemen, be, and they are hereby appointed and constituted a board of trustees at the town of Nashville; and that John Crozier, Josiah Nichol, and James Park, Gentlemen, be, and they are hereby appointed and constituted a board of trustees at the town of Knoxville, with full authority to take and receive subscriptions for the use and benefit of the President and Trustees of the Natchez Hospital; and if any person shall neglect or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant before a justice of the peace, where the subscription shall not exceed fifty dollars; and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides: *Provided*, the party has ten days previous notice of said motion.

Sec. 2. *Be it enacted*, That the trustees by this act constituted at the places aforesaid, are required from time to time to pay over to the President and Trustees, of the Natchez Hospital, all such money as may come into their hands by virtue of this act, in such manner as to them, with the concurrence of the President and Trustees aforesaid, may deem best calculated to insure safety, and promote the end in view.

Sec. 3. *Be it enacted*, That the trustees hereby appointed shall make report of their accounts to the stated meetings of the General Assembly of this state.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER XXIX.

AN ACT *granting a certain sum of money to the President and Trustees of the Natchez Hospital.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the treasurer of Mero district, be, and he is hereby authorised and required to pay to

the order of the President and Truſtees of the Natchez Hoſpital, for the uſe and benefit of the ſame, the ſum of five hundred dollars, which ſaid order acknowledged to be paid, ſhall be a ſufficient voucher in the hands of ſaid treaſurer, in the ſettlement of his accounts.

Sec. 2. *Be it enacted*, That this act ſhall commence and be in force from the paſſing thereof.

ROBERT C. FOSTER,
Speaker of the House of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1ſt, 1805.

CHAPTER XXX.

AN ACT *to eſtabliſh ware-houſes, and a place for the inſpection of flour, beef and pork, on the bank of Holſton River, in Sullivan county.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall be lawful for Laurence Snapp, junior, to build a ware-houſe at the moſt convenient place near his ferry, on his own land, on the main road leading from Blountville in Sullivan county, to Greeneville in Greene county, for the purpoſe of eſtabliſhing an inſpection of flour, beef, pork, and all ſuch other produce as may be neceſſary.

Sec. 2. *Be it enacted*, That it ſhall alſo be lawful for William Childreſs, to erect a ware-houſe on his own land, near the mouth of Fall creek, for the purpoſes above mentioned.

ROBERT C. FOSTER,
Speaker of the House of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 30*th*, 1805.

CHAPTER XXXI.

AN ACT *to prevent ſheriffs, coroners and conſtables from bidding or purchaſing at their own ſales.*

WHEREAS *it appears to this General Aſſembly, that ſheriffs, coroners and conſtables if permitted to bid or pur-*

chase at their own sales, have often proved injurious and oppressive to debtors and securities. For remedy whereof:

BE *it enacted by the General Assembly of the State of Tennessee*, That if any sheriff, coroner, or constable, from and after the first day of January next, shall bid or purchase at their own sales, either by themselves or any other person or persons for them or their benefit, all such sales or purchases shall be void, and all persons concerned in any such sales shall be liable to an indictment for a misdemeanor by the party injured; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER XXXII.

AN ACT *to amend an act, entitled*, "An act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments."

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall be lawful when any county line shall run through any lands where any dower is to be laid off, in that case the same jury summoned by the sheriff of the county where the said petition shall be filed, may proceed to lay off the said dower in the same manner as if there was no division by any county line through said tract of land; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER XXXIII.

AN ACT *respecting the Treasurer of Mero District.*

BE *it enacted by the General Assembly of the State of Tennessee*, That Thomas Crutcher, treasurer of Mero district, be, and he is hereby entitled to a credit of two hundred and sixty dollars, money by him advanced in conformity to the particular request of His Excellency the Governor, in order to defray the necessary expences of said Governor, and General James Robertson, while attending a treaty held with the Cherokee nation of Indians, agreeably to a resolution of the last General Assembly.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXIV.

AN ACT *to establish a town in the county of Stewart, on the south bank of Cumberland River.*

BE *it enacted by the General Assembly of the State of Tennessee*, That the town heretofore laid off by Robert Nelson, in the said county of Stewart, on the first Bluff on the south bank of Cumberland river, below Dyer's Island, be, and is hereby established by the name of Dover: *Provided*, the said Robert Nelson files a plan of said town in the clerk's office of said county, within six months after the passing of this act.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 30th, 1805.

CHAPTER XXXV.

AN ACT *concerning Henry Tooly.*

BE *it enacted by the General Assembly of the State of Tennessee*, That the late commission-

ers of the town of Livingston, be authorized to re-convey to Henry Tooly, the lands by him conveyed to them as commissioners, in trust for the county of Smith; forty acres of land bounded as follows, viz. Beginning at a sugar-tree on the north bank of Cumberland river, on his line, running east one hundred and ten poles to a stone fixed in the side of a hill; then north, sixty four poles to a stake; then west to the river bank, and up the same to the beginning; which conveyance shall be as good and valid both in law and equity, as if the same had never been conveyed to them by the said Henry Tooley; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXVI.

AN ACT *concerning Jurors in Jackson and Stewart counties.*

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, that any house-holder, or any person holding land by bond or entry, shall be competent in all respects whatever to serve as jurors in the said counties of Jackson and Stewart, in the same manner as if they were free-holders; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXVII.

AN ACT *to authorise the sheriffs of the different counties within this state, to take recognizances in certain cases.*

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the

paſſing of this act, it ſhall be the duty of the different ſheriffs within this ſtate when they execute any Capias on an Indictment, to take a recognizance for the appearance of the party, in the ſame manner that juſtices of the peace are now bound to do by law; any law to the contrary notwithſtanding.

ROBERT C. FOSTER,
Speaker of the Houſe of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate,

October 28th, 1805.

CHAPTER XXXVIII.

AN ACT *concerning Merchants, Pedlars, &c.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That the firſt and ſecond ſections of an act, entitled, "an act to declare what ſpecies of merchandiſe or manufactures, may be ſold by retail or otherwiſe, without ſubjecting the ſeller to the penalties ſet forth in act, entitled, "an act aſcertaining what property in this ſtate ſhall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," &c. paſſed the fourth day of Auguſt, one thouſand eight hundred and four, be, and the ſame is hereby repealed; and that ſuch parts of the act, thereby intended to be explained, remain in full force and effect: *Provided*, that nothing therein contained ſhall be ſo conſtrued as to prevent any perſon from vending any article the growth and manufacture of this ſtate; or to retail the articles of iron, ſalt, lead, ſteel and caltons, whether manufactured within or without the limits of this ſtate.

And whereas, *it is repreſented to this General Aſſembly, that ſundry merchants have misconſtrued the before-recited act, whereby they have failed to apply for license and pay the taxes agreeably to the true intent & meaning thereof.* Wherefore:

Sec. 2. *Be it enacted*, That each merchant, pedlar, and hawker in this ſtate, who have not paid his or their tax agreeably to the fourth and fifth ſections of an act, entitled, "an act to aſcertain what property in this ſtate ſhall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," paſſed November 7th, 1803, ſhall have

the further time of two months allowed them to pay the ſame to the clerks of their reſpective courts, whoſe duty it ſhall be to receive and account for the ſame, in like manner as heretofore preſcribed by law; and if the ſaid merchants, or any of them, ſhould fail to pay the ſaid taxes, it ſhall be the duty of the different clerks to enforce the penalties of the before recited act.

Sec. 3. *Be it enacted*, That it ſhall be the duty of the clerks of the ſeveral counties within this ſtate, to report to their reſpective courts ſuch perſons within their knowledge, as have failed to comply with the requiſitions herein alluded to: Whereupon, the court ſhall enter up judgment againſt ſuch merchant, pedlar, or hawker, for the penalties thereby incurred.

Sec. 4. *Be it enacted*, That it ſhall hereafter be the duty of every perſon, whether a citizen or foreigner, who ſhall bring into this ſtate any ſtud horſe for covering of mares, after the firſt day of January in each and every year, to report ſuch horſe to the clerk of the county wherein he ſhall ſtand, who ſhall iſſue a licence to ſuch applicant, granting to him the privilege of advertiſing and letting ſuch horſe to mares for one ſeaſon and no longer: *Provided*, before ſuch licence ſhall iſſue, the applicant ſhall pay to the clerk a ſum equal to the ſeaſon of one mare, and the additional ſum of fifty cents as fees of office, which money ſo received for the ſtate, ſhall be accounted for by each clerk in the ſame manner and form as he accounts for other public monies.

Sec. 5. *Be it enacted*, That any perſon failing to comply with the requiſitions of this act, ſhall forfeit and pay the ſum of fifty dollars, to be recovered by action of debt before any juriſdiction having cognizance thereof, one half to the uſe of the ſtate and the other half to the uſe of the perſon who will ſue for the ſame; and any perſon impoſing on the clerk a leſs ſum for the uſe of the ſtate than that which he may receive for the ſeaſon of one mare, ſhall forfeit and pay the ſum of fifty dollars, to be recovered as aforeſaid.

Sec. 6. *Be it enacted*, That any perſon keeping a horſe for the purpoſe of covering mares, although ſaid horſe may not have been returned, ſhall nevertheleſs be liable to pay the tax preſcribed by law, under the penalties herein mentioned

and ſhould any ſtud horſe be removed from one county to another for the purpoſe of covering mares, the perſon in whoſe poſſeſſion ſaid horſe may be, ſhall be liable to pay the tax, unleſs ſuch perſon ſhall, within ten days after ſuch horſe ſhall be brought into ſuch county, produce a certificate from the clerk of the county where the owner of ſaid horſe reſided on the firſt day of January, that ſaid horſe has been given in as taxable property within this ſtate.

Sec. 7. *Be it enacted*, That the tax upon billiard tables, ſhall be and remain a lien upon the plantation, tract of land, or lot of ground whereon ſuch table is kept, in caſe the owner of the land give a permit for keeping ſuch table; any law to the contrary notwithſtanding.

Sec. 8. *Be it enacted*, That if a tenant in poſſeſſion, or other perſon, ſhall ſet up a billiard table upon the plantation, tract of land, or lot of another, he, ſhe, or they ſo offending, ſhall be ſubject to nine months impriſonment without bail or mainprize, for every ſuch offence, and ſhall ſtand committed until he, ſhe, or they ſhall ſatisfy and pay all coſts and charges that may accrue, unleſs the offender or offenders ſhall produce a written permit from the owner of ſuch plantation, tract of land, or lot, granting ſuch perſon or perſons liberty to ſet up a billiard table thereon.

Sec. 9. *Be it enacted*, That this act ſhall not take effect as to billiard tables and ſtud horſes, until the firſt day of December next.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 28th, 1805.

CHAPTER XXXIX.

AN ACT *to authoriſe actions of ejectment and treſpaſs ſouth of French Broad and Holſton.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That from and after the

paſſing of this act, actions of ejectment may be brought and maintained for the recovery of lands lying ſouth of the rivers French Broad and Holſton, and between the rivers Big Pigeon, and Tenneſſee, held or claimed, by, or under improvement right, or right of occupancy, in the ſame manner, and under the ſame rules, regulations and reſtrictions, that actions of ejectment heretofore have been brought and maintained, or that may hereafter be brought and maintained for lands lying elſewhere within this ſtate, held by or under patent, grant, or other legal title, which improvement ſhall be ſuch as was required by the laws of the ſtate of North-Carolina, regulating improvements, and the manner of laying off the lands held by ſuch improvement right, or right of occupancy, ſhall be agreeable to the ſeveral conditional lines of the reſpective occupants, where the conditional lines of ſuch occupancy hath been made; and where conditional lines of any improvement or occupant claim hath not been made, the laying off ſhall be the ſame as were heretofore recognized by the laws of the ſtate of North-Carolina, before, and at the time of paſſing the ceſſion act of ſaid ſtate; and ſuch improvement right, or right of occupancy, may conſiſt of ſix hundred and forty acres, and no more: *Provided*, that when the right of occupancy hath been withheld by adverſe poſſeſſion by force, the laws of limitation ſhall be no bar as to the time ſo withheld: *Provided alſo*, that where any perſon has made an improvement and deſerted the ſame, or abſented himſelf from the county, or made no ſettlement, nor renewal or continuance of claim and improvement, for the term of two years, ſuch perſon ſhall not be authoriſed to recover by virtue of any thing contained in this act: *And provided alſo*, that when any perſon hath ſold or conveyed any part of his, her, or their original improvement right, or right of occupancy to any other, ſuch perſon ſo ſelling or conveying, ſhall not be authoriſed to hold or claim any other land in lieu thereof, or to extend his, her, or their claim otherwiſe than what it was, or would have been in caſe no ſuch ſale or conveyance had been made.

Sec. 2. *Be it enacted*, That actions of treſpaſs on the caſe may be brought and maintained for the meſne profits on a recovery had in ſuch ejectment: And alſo actions of treſpaſs

for any injury done to the land held by such improvement or occupancy, within the lines of any such improvement, while in the poſſeſſion of the rightful occupant.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28th, 1805.

CHAPTER XL.

AN ACT *for appointing Commissioners to superintend the opening and keeping in repair, that part of the road leading from Virginia and North-Carolina to Kentucky, which lies between the Cross Roads, at the place called Bean's station, in Grainger county, and the Ford of Sycamore Creek, in Claiborne County.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That William Hord, David M'Annally, and Joſeph M. Anderſon be, and they are hereby appointed commiſſioners to ſuperintend the opening and keeping in repair that part of the road leading from Virginia and North-Carolina to the ſtate of Kentucky, which lies between the Croſs-Roads, at the place called Bean's Station, in the county of Grainger, and the ford of Sycamore creek, in Claiborne county, croſſing Clinch mountain at the Three Stone Gap; and that ſaid commiſſioners or a majority of them, are hereby authoriſed and required within four months from the paſſing hereof, having given ſixty days previous notice of the time and place, at three of the moſt public places in Grainger and Claiborne counties, to nominate, and by writing under their hands and ſeals, appoint two ſuitable perſons to open ſaid road, keep it in repair, and keep a turnpike thereon for the term of ten years from the time of erecting a turnpike on ſaid road.

Sec. 2. *Be it enacted*, That it ſhall be the duty of the perſons ſo nominated and appointed, to open ſaid road at leaſt thirty-three feet wide, clear of all timber and under growth, that might tend to ſhade, or in any manner injure ſaid road, and to clear ſixteen and an half feet wide in the centre of ſaid road, of all trees, rocks, ſtumps, and every thing that might impede

the paſſage of carriages or horſes, where the ground over which it paſſes will permit it to be done with reaſonable exertions, and to erect bridges and cauſeways of the moſt permanent materials that can conveniently be procured near ſaid road, over ſuch creeks, branches, and ſuch parts of the road as may render them neceſſary, at leaſt twelve feet wide, and alſo to make ſaid road as level and good as the nature of the ground will reaſonably admit; the ſaid road to be completed on or before the firſt day of September next, and to be kept in as good repair as the nature of the ground over which it paſſes will permit, until the expiration of the ſaid term of ten years.

Sec. 3. *Be it enacted*, That ſaid commiſſioners are hereby authoriſed and required, ſo ſoon as ſaid road is opened in manner herein before directed, to iſſue a licence to the perſons ſo appointed, authoriſing them, their heirs, executors and adminiſtators, to erect a turnpike on ſaid road, and keep the ſame for ſaid term of ten years, at ſuch place as they may ſelect; and ſaid commiſſioners, or a majority of them, are hereby authoriſed and required to paſs and view ſaid road, on the ſaid firſt day of September next, and once in every three months afterwards during ſaid term, and return a correct report to the Secretary of State, of the condition of ſaid road in writing under their hands, within one month after each time of viewing the ſame; and if the perſons ſo appointed ſhall at any time after ſaid firſt day of September next, permit ſaid road to remain out of repair for a longer period than three months, it ſhall be the duty of the ſaid commiſſioners, and they are hereby authoriſed and required to remove ſuch perſons, and nominate and appoint two others in the ſame manner as herein directed to make the firſt nomination and appointment.

Sec. 4. *Be it enacted*, That the perſons ſo appointed, after receiving licence to erect a turnpike as before directed, may, and are hereby authoriſed to demand and receive from all perſons paſſing ſaid road, the following toll, to wit: For each waggon and team fifty cents; for each cart, or other two wheeled carriage of burthen twenty-five cents; for each four wheeled pleaſurable carriage one hundred and twenty-five cents; for each chair, ſulkey, gigg, or other two wheeled pleaſurable carriage fifty cents; for man and horſe ſix and one fourth cents; for each looſe or led horſe ſix and one fourth

cents; for each head of cattle one cent; for each hog or sheep one cent; for each slave six and one fourth cents; for every stage-waggon thirty-seven and an half cents.

Sec. 5. *Be it enacted*, That said commissioners shall, before they enter on the duties of their appointment, take and subscribe the following oath before some justice of the peace of said county of Grainger, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be) that I, as one of the commissioners appointed to superintend the opening and keeping in repair the road between the Cross Roads, at the place called Bean's Station, in Grainger county, and the ford of Sycamore creek, in Claiborne county, will not nominate or appoint any person or persons to open, keep in repair, and keep a turnpike on said road, but such as in my opinion are able, and will open, keep in repair, and keep a turnpike on said road, according to the directions of the act of assembly in such case made and provided. And that I will well and truly view said road, and make true report to the Secretary of State, in conformity with the directions of said act of assembly, to the best of my judgment and abilities. SO HELP ME GOD."

Sec. 6. *Be it enacted*, That the persons so nominated by said commissioners shall, in their presence, before receiving said appointment, enter into bond with at least two sufficient securities, in the sum of twenty thousand dollars, payable to the governor for the time being, and his successors in office, with a condition, that if said (naming them) shall well and truly open said road in the manner, and within the time prescribed by the act of the general assembly in such case made and provided, and keep said road in repair, and conduct the turnpike on the same during said term of ten years, and in all other respects discharge the duties of said appointment, in keeping said road in repair, and conducting said turnpike thereon in conformity with the true intent and meaning of said act, then said obligation shall be void, &c. And the persons so nominated, after receiving said appointment, before they enter upon the duties thereof, shall, in the presence of said commissioners, take and subscribe the following oath, to wit. I, A. B. do solemnly swear or affirm (as the case may be) that I will well and truly open the road which lies between the Cross Roads at the place called Bean's Station in Grainger county, and the

ford of Sycamore creek in Claiborne county, and keep the same in repair for the term I have been appointed, so far as in my power, in conformity with the directions of the act of the general assembly, in that case made and provided, and that I will not directly or indirectly ask or demand any greater toll than is by said act allowed. SO HELP ME GOD.

Sec. 7. *Be it enacted*, That said commissioners are hereby directed and required to deliver the bond to be given by the persons appointed as herein directed, to the Secretary of State within one month from the date thereof, who shall record the same, and the different reports made by said commissioners respecting said road in his office; and when said commissioners, or a majority of them, shall report that said road is out of repair, the said Secretary is hereby authorised and required to cause a suit to be commenced in the superior court of the district in which the road lies, on said bond, in the name of the governor for the time being, against the persons so nominated and appointed and their securities, to recover such damages as the nature of the case may require; and said bond shall not be void on one recovery, but may be put in suit as often as need be, until the whole amount of the penalty be recovered in damages.

Sec. 8. *Be it enacted*, That said commissioners shall each be allowed forty dollars per annum for their services, to commence from the first day of September next, which is to be paid to them half yearly by the persons so nominated and appointed to keep said turnpike, for recovery of which each of said commissioners may have an action of debt before any tribunal having jurisdiction thereof.

Sec. 9. *Be it enacted*, That if said commissioners fail to return the bond to be given by the persons nominated and appointed as herein directed, to the Secretary within one month from the date thereof, each of them shall forfeit and pay one thousand dollars, to be recovered by action of debt in the name of the governor for the time being, in the superior court of the district in which said road lies; and if said commissioners, or a majority of them shall refuse or neglect to pass and view said road, on the said first day of September, one thousand eight hundred and six, and once every three months thereafter during the said term of ten years, or having passed and viewed

ſaid road, ſhall fail to make report to the Secretary of State within one month as herein before directed, or ſhall make a falſe report, in either caſe, each of ſaid commiſſioners for every ſuch offence ſhall forfeit and pay one hundred dollars, to be recovered by action of debt in any court having juriſdiction, one half to the ſtate, the other half to him who will ſue for the ſame.

Sec. 10. *Be it enacted*, That if any vacancy ſhall happen by the death, removal, or reſignation of any of the ſaid commiſſioners, it ſhall be the duty of the governor for the time being, and he is hereby authoriſed and required to fill ſuch vacancy as often as it may happen, within one month after he may be notified thereof by the ſurviving or remaining commiſſioner or commiſſioners, or the keeper of ſaid turnpike, by appointing ſome ſuitable perſon who may reſide near ſaid road: And every perſon appointed by the Governor to fill any ſuch vacancy, ſhall, before entering on the duties of commiſſioner, take the ſame oath, and ſhall be veſted with the ſame power and authority, perform the ſame duties, and be ſubject to the ſame penalties that the commiſſioners herein named are veſted with, directed to perform, and ſubjected to, and ſhall receive the ſame compenſation, to be paid in the ſame manner, and have the ſame remedy to recover the ſame that is given by this act to the commiſſioners herein named.

Sec. 11, *Be it enacted*, That if ſaid commiſſioners, ſhall remove the perſons ſo nominated and appointed to open and keep ſaid road in repair, and keep a turnpike thereon, and appoint others in their place, as by this act they are authoriſed, without reaſonable cauſe, the perſon or perſons ſo removed, his or their executors or adminiſtrators, ſhall have an action againſt the ſaid commiſſioners to recover ſuch damages as he or they may have ſuſtained, in any court having juriſdiction thereof.

Sec. 12. *Be it enacted*, That if any perſon ſhall ſuſtain any damage by being detained at ſaid turnpike, ſuch perſon may recover the ſame by ſuit in any court having juriſdiction, againſt the perſons ſo appointed to open ſaid road, keep it in repair, and keep a turnpike thereon; and if any perſon ſhall forcibly or ſecretly paſs ſaid turnpike to avoid paying the toll, ſuch perſon ſhall forfeit and pay the ſum of twenty dollars to the

perſons ſo appointed, to be recovered by warrant before any juſtice of the peace in this ſtate.

Sec. 13. *Be it enacted*, That if any perſon who reſides within four miles of ſaid road, ſhall make his election to work with all his family and ſlaves that are by law obliged to work on ſome public road, three days at opening ſaid road, and two days in each year in keeping the ſame in repair, and ſhall notify ſuch election to the perſons ſo appointed to open ſaid road and keep it in repair, within three months after ſaid appointment, it ſhall be lawful for ſuch perſon, his family and property, and he and they are hereby authoriſed to paſs and repaſs ſaid road free of any toll, ſo long as ſuch perſon complies with the terms of ſaid election; and the perſon making ſuch election, is to work on that part of ſaid road moſt convenient to his own reſidence, under the direction of the perſons ſo appointed, and at ſuch times as they may require, on reaſonable notice.

Sec. 14. *Be it enacted*, That no commiſſioner or any perſon related to him or them, either by affinity or conſanguinity ſhall be eligible to be undertaker as a fit and proper perſon to have ſaid road, and if the ſaid commiſſioners ſhould appoint any perſon ſo as aforeſaid, the ſaid appointment ſhall be void, and the undertaker of ſaid road, or the other commiſſioners ſhall notify the ſame to the Governor, and the ſaid vacancy ſhall be filled as in other caſes of vacancies provided for in this act, and alſo be liable to the ſame penalties for failing to perform the aforeſaid duty, as they are liable to for ſimilar neglects.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 2d, 1805.

CHAPTER XLI.

AN ACT *to regulate the election of ſheriffs in certain caſes.*

BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That it ſhall not be lawful for the juſtices of any county court in this ſtate, to re-elect any perſon as a ſheriff, unleſs ſuch ſheriff ſhall produce ſufficient vouchers, that he hath accounted for and paid all ſtate and county taxes that before the time of ſuch election he

may have been bound by law to account for and pay; any law heretofore to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 2d, 1805.

CHAPTER XLII.

AN ACT *to amend the law now in force giving a right of action to any person for the value of their improvements, where recoveries are had in actions of ejectment.*

BE *it enacted by the General Assembly of the State of Tennessee*, That any person in possession of any land under patent, grant, or lawful entry, and shall at any time be dispossessed by due course of law, or otherwise put out of possession, without his, her, or their consent first had and obtained; in that case the person so dispossessed, shall be entitled to recover from the person to whose use the dispossession was so made, the value of the improvements which he, she, or they may have made on said land; and the said land shall be and remain a fund for the payment of the judgment and cost that may be recovered in any action to be brought for the value of such improvements so made thereon; and said land shall always be bound for the payment of such judgment and cost, notwithstanding it may be conveyed to some other person by him, her or them, who made said recovery as aforesaid.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 2d, 180[illegible].

CHAPTER XLIII.

AN ACT *to authorise the Court of Jefferson County to lay an additional county tax, &c.*

WHEREAS *the building of the court-house in the town of Dandridge, and county aforesaid, hath been com-*

monced and considerably progressed in, and the tax heretofore authorised by law to be laid, has proved insufficient to complete the same. Wherefore:

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee,* That the court of Jefferson county are hereby authorised (two thirds of the acting justices being present) to lay an additional county tax, not exceeding the present county tax, for the express purpose of completing the said court-house.

Sec. 2. *Be it enacted,* That in case the above tax, laid as aforesaid in one year, proves insufficient to complete the said building, then it shall be the duty of the said court, or two-thirds of the justices, to continue the said tax as long as they may think expedient, or until a sufficient sum is collected to defray the expences incumbent on compleating said building.

Sec. 3. *Be it enacted,* That the said tax shall be collected as other county monies have heretofore been collected in said county, and be paid by the collector when collected, into the hands of the commissioners appointed by law to contract for building said court-house.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER XLIV.

AN ACT *to authorise the Governor for the time being to offer a reasonable reward for the apprehending of any person or persons who may have committed any flagitious crime.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, the Governor for the time being may, and he is hereby authorised, by proclamation to offer a reward not exceeding one hundred dollars, for the apprehending of any person or persons who now have, or hereafter shall commit any flagitious offence against the laws of the state, when he shall think the public good requires it.

Sec. 2. *Be it enacted*, That the ſaid Governor ſhall be at liberty to draw a warrant on either of the public treaſurers for the amount of the reward ſo offered, in favor of any perſon or perſons who may in his opinion entitle themſelves to the ſame; and it ſhall be the duty of the treaſurers to pay the ſame, which warrant ſhall be good in the ſettlement of their accounts: *Provided always*, that no perſon ſhall be entitled to the reward offered by any proclamation, until ſuch offender or offenders are delivered to the civil authority and confined in jail or admitted to bail.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XLV.

AN ACT *authoriſing verdicts heretofore rendered in the ſeveral county courts of this ſtate, to be given in evidence.*

WHEREAS *heretofore verdicts have been rendered in many of the courts of pleas and quarter ſeſſions, and judgments have been neglected to be formerly entered thereon, notwithſtanding which the ſame verdicts have had their effect as to recoveries, as fully as if judgments had been formerly entered thereon; and to the end, that all ſuch verdicts ſhould have the full effect for which they were made of record.* Wherefore:

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That all verdicts heretofore rendered in any of the courts in this ſtate, and recoveries had thereon, and where it appears that ſuch verdicts have been acquieſced in by the parties, notwithſtanding the clerk may have neglected to enter the judgment of the court formerly thereon, that a copy of ſuch verdict or verdicts, certified by the clerk, ſhall be admitted as evidence in any court in as full and ample a manner to all intents and purpoſes as though the judgment of the court had been entered up at the time it ought to have been done; any law to the contrary notwithſtanding.

Sec. 2. *Be it enacted*, That in all caſes hereafter, it ſhall be

the expreſs duty of each and every clerk, to enter up judgment of the court on their records after the verdict of the jury.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER XLVI.

AN ACT *to aſcertain the true line between the counties of Sullivan and Carter.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That the ſaid line ſhall be as follows: Beginning near the firſt ford of Indian creek, above the widow Plumly's, and running thence on the north ſide of ſaid creek to the fork thereof, on which George Neighaver lives; thence up ſaid fork to the head thereof; thence a ſtraight line to the top of the mountain; thence along the top of ſaid mountain, and the left arm thereof, till it interſects the line run under the directions of an act paſſed Auguſt the fourth, one thouſand eight hundred and four, and with ſaid line to the Virginia line, ſo as to include what is called the Beaver Dam ſettlement.

Sec. 2. *Be it enacted*, That a ſurveyor to run ſaid line, may be appointed by the county court of Sullivan, as well as ſuch other perſons as may be neceſſary, and the expence thereof ſhall be defrayed out of the treaſury of the ſaid county of Sullivan.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XLVII.

AN ACT *appointing commiſſioners to ſettle and designate the true boundary line between this ſtate and the ſtate of North-Carolina.*

WHEREAS *it is repreſented to this General Aſſembly, that the line between this ſtate and the ſtate of North-*

Carolina, hath not been run agreeably to the Act of Cession; in as much as it is confidently believed that the commissioners who heretofore run said line on the part of North-Carolina left the main Bald Mountain, and took a Ridge running a westwardly direction, to the lower Painted Rock on French-Broad river, contrary to the true intent and meaning of the Act of Cession aforesaid. Wherefore:

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That John Shields of Cocke county, and Robert Nelson of Greene county, gentlemen, are hereby appointed commissioners on the part of this state, and vested with full power and authority (as soon as they shall receive notice from the Governor of this state) to proceed and act in conjunction with such commissioners as may be appointed by the state of North-Carolina to settle and designate the true line from the top of the Bald Mountain to the Painted Rock on French Broad river; thence along the highest Ridge of said Mountain, to the top of the Iron Mountain, which is now called the Great Rich Mountain, and no further, agreeably to the act of cession, so as to establish the true line between those two given places, and between the states aforesaid.

Sec. 2. *Be it enacted*, That each of said commissioners shall receive three dollars per day, as full compensation for their services and expences whilst they are performing the services enjoined by this act; and there shall be chosen by the commissioners one suitable person as marker of the line aforesaid, who shall receive one dollar and fifty cents per day, in full discharge for his services and expences.

SEC. 3. *Be it enacted*, That the Governor is hereby required to issue such instructions to the commissioners as he may deem proper, for the purpose of carrying into effect the object intended by this act, consistent with the true interest of the state.

Sec. 4. *Be it enacted*, That the Governor for the time being, is hereby requested to forward a copy of this act to the Governor of North-Carolina, requesting him to lay the same before the Legislature of his state at their next session, and report the proceedings thereon to the Governor of this state, as soon as may be thereafter, whose duty it will be to advise the aforesaid commissioners thereof.

Sec. 5. *Be it enacted*, That said commissioners as soon as

may be, shall report to the Governor in writing, a true statement of all proceedings relative to the running and establishing said line, whose duty it shall be to lay the same before the next succeeding Legislature.

Sec. 6. *Be it enacted*, That the Governor be, and he is hereby authorised and empowered to draw on either of the public treasurers of this state, for such sum or sums of money as may be necessary for carrying this act into effect: *Provided*, the same doth not exceed one hundred dollars; and if it should exceed that sum, the deficiency shall be provided for by the succeeding Legislature.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER XLVIII.

AN ACT *to compel the Public Printers of this State to give bond and security for the performance of their contract for the State Printing.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Speakers of both Houses of this General Assembly, and all future Assemblies to cause the person or persons who undertake the State Printing, to enter into bond with two sufficient securities, to be approved of by the said Speakers, in the penal sum of three thousand dollars, payable to the Governor for the time being, and his successors in office, with condition, that if the said (naming him or them) shall well and truly print the public printing, by them contracted to be printed, within the time, and distributed in the manner specified in the contract as entered into, and shall well and truly perform the contract in the manner, and according to the true intent thereof, then the above obligation to be void, &c. which bond it shall be the duty of the said Speakers to immediately lodge in the office of the Secretary of State, whose duty it shall be to receive the same and file it in his office for the use of the state.

Sec. 2. *Be it enacted*, That it shall be the duty of the Se-

cretary of State in every inſtance, to ſee that the public printing is performed according to the contract ſo entered into by the printer or printers for the ſtate; and if the ſaid printers ſhall fail to perform their ſaid contracts, it ſhall be the duty of the ſaid Secretary to immediately inſtitute ſuit on the bond, againſt the ſaid printer or printers and their ſecurities, in the ſuperior court of Hamilton diſtrict, to recover all money that may have been paid to the ſaid printers, and ſuch damages as may be awarded by a jury, for the failing to perform their ſaid contract with the ſtate.

Sec. 3. *Be it enacted*, That in caſe of the diſcontinuance of the Preſs of the ſaid printer or printers by death or otherwiſe, the Governor for the time being, is hereby authoriſed to appoint a printer or printers, who ſhall enter into bond and ſecurity ſuch as the ſaid Governor ſhall approve of, in the like ſum, with the like condition, and liable to the ſame penalties that are provided for in the foregoing part of this act, which ſaid printer ſhall be deemed the Public Printer until the next ſeſſion of the General Aſſembly thereafter.

Sec. 4. *Be it enacted*, That if the ſaid State Printer or Printers, ſhall fail to perform their ſaid contract, it ſhall be the duty of the Governor for the time being, to withhold the payment of the half part of the amount of the ſum that ſhall be due to the ſaid printer or printers on the contract; and the ſaid printer or printers ſhall not be authoriſed to obtain any draft on the treaſury for more than one half of the ſum they may be entitled to, until they have finally completed their contract according to the true intent and meaning thereof.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 30*th*, 1805.

CHAPTER XLIX.

AN ACT *to amend the law relative to coſts on criminal proſecutions.*

BE *it enacted by the General Aſſembly of the State of Tennesſee*, That in caſe any perſon

who may have been, or hereafter ſhall be convicted on an indictment for a capital, or other offence, judgment may be rendered & execution may iſſue againſt the eſtate of ſuch defendant, as in other caſes of fieri facias, for the fine, where a fine is adjudged, and all coſts then due and incident thereto, and for any coſts that may accrue after the time of ſuch conviction, by impriſonment or carrying the judgment or ſentence into effect; the court before whom ſuch conviction may have been had, may at any ſubſequent term, on motion render judgment and award execution againſt the eſtate of ſuch defendant as aforeſaid; and when it ſhall in ſuch caſes appear to the court that the defendant at the time of ſuch conviction, or of executing the ſentence of court, hath or had no eſtate either real or perſonal, whereof ſuch coſts could be made, then it ſhall be lawful for ſuch court, by an order on record, to direct the clerk to iſſue a certificate or certificates to the lawful claimant or claimants for all priſon fees, and fees for executing ſuch judgment or ſentence, which certificate or certificates ſhall be receivable by either of the treaſurers of the ſtate, where the proſecution has been in the ſuperior court, and ſhall be good in the ſettlement of his accounts; and likewiſe by the truſtee of the county, where the proſecution has been in the county court.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 2d, 1805.

CHAPTER L.

AN ACT *to amend the law now in force for selling under execution.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That all reports hereafter made by the ſheriffs or collectors of the public and county tax, of lands owned by non reſident perſons, ſhall by order of the court to which they may be reported, be twice advertiſed in ſome Gazette or Newſpaper printed in the diſtrict where the land may lie, if ſuch there be, and twice in the Gazette or Newſpaper of the Public Printer, at the ſeat of government,

with the amount of tax, coſt and charges due thereon, giving notice that the ſaid lands will be ſold for the payment thereof.

Sec. 2. *Be it enacted*, That for each publication the printers ſhall be entitled to receive thirty-ſeven and one half cents for each and every tract or parcel of land ſo reported and advertiſed, to be paid out of the proceeds of the ſales of ſaid lands, or ſatisfied by the owners thereof.

Sec. 3. *Be it enacted*, That no lands on which the tax may remain due and unpaid, ſhall be ſold for leſs than the amount thereof, and he who ſhall pay the ſame for the ſmalleſt number of acres to be run off at the beginning corner, and running at leaſt one line of ſaid tract, ſo as to include the quantity to ſold as near a ſquare or oblong (at the election of the purchaſer) as the ſituation of the other line or lines, or interruption of lines by former ſales will admit, ſhall be the purchaſer.

Sec. 4. *Be it enacted*, That in all caſes where any lands ſhall be ſold as directed by this act, the owner of the ſame, his heirs, executors or adminiſtrators, ſhall have liberty to redeem the ſame at any time within twelve months from the day of ſale, upon payment, or tender of payment, to the ſheriff or collector for the time being, for the uſe of the purchaſer, his heirs or aſſigns, of the amount of ſaid taxes, coſts and charges, with intereſt for the ſame, at the rate of fifty per cent. per annum, together with the amount of taxes that may accrue on the land ſo to be redeemed, and upon payment or tender of payment as aforeſaid, ſuch ſale ſhall be void, and no deed ſhall be given in purſuance of any ſuch ſale, until the time of redemption ſhall have expired.

Sec. 5. *Be it enacted*, That forty days notice ſhall be ſufficient in all ſheriffs ſales hereafter to be made, and which by law are required to be publiſhed in the Gazette; and ſo much of an act paſſed October the twenty-ſixth, one thouſand ſeven hundred and ninety-nine, as requires ſixty days notice, as well as all laws and parts of laws coming within the meaning of this act, are hereby repealed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

October 30th, 1805.

CHAPTER LI.

AN ACT *supplemental to an act, entitled,* "An act for the promotion of learning in the county of Davidſon," *passed by the Legiſlature of the State of North-Carolina.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee,* That it ſhall be the duty of the preſent treaſurer, or his ſucceſſor in office, of the board of truſtees of the Davidſon academy, and he is hereby authoriſed and empowered to call upon the former treaſurer or treaſurers, ſecretary and truſtees, for the accounts they have kept in diſcharge of their duties, together with any money, or funds of any deſcription whatſoever, that they now are or may have been poſſeſſed of, as being the property of, or belonging to the ſaid inſtitution; and in caſe ſuch treaſurer or treaſurers, ſecretary or ſecretaries, and delinquent truſtee or truſtees, ſhall refuſe or neglect to furniſh the ſaid treaſurer with an accurate ſtatement of their accounts, together with the money and other funds belonging to the ſaid academy, he ſhall immediately direct the attorney general for the ſtate to commence ſuit in the name of the Governor for the time being, againſt ſuch treaſurer or treaſurers, ſecretary and delinquent truſtees as the caſe may be, whoſe duty it ſhall be without delay, to inſtitute a ſuit or ſuits in the ſuperior court of law or equity for the diſtrict of Mero, and the monies when recovered, ſhall go to the uſe of ſaid academy.

Sec. 2. *Be it enacted,* That the ſaid board of truſtees ſhall, and they are hereby required in all future appointments of treaſurer, to cauſe the perſon appointed, before he enters on the duties of his office, to give bond and ſufficient ſecurity in the ſum of five thouſand dollars, conditioned for the faithful diſcharge of his duty, which bond ſhall be given to, and in the name of the preſident of ſaid board, and his ſucceſſors in office, and ſhall be placed in the hands of their ſecretary for ſafe keeping, and ſhall not be void on the firſt recovery, but may be put in ſuit from time to time, in the name of the ſaid preſident, or his ſucceſſors, until the whole ſhall be recovered.

Sec. 3. *Be it enacted,* That the ſaid board ſhall, from time to time make ſuch allowance to their ſecretary and treaſurer for their ſervices as they may deem neceſſary.

Sec. 4. *Be it enacted*, That all conveyances for the alienation of any ſpecies of property whatever, belonging to ſaid academy, ſhall be executed by the preſident in behalf of the board of truſtees, while in ſeſſion, and ſhall be atteſted by their ſecretary; which conveyance or conveyances ſhall be good and valid in law and equity; any law to the contrary notwithſtanding.

Sec. 5. *Be it enacted*, That an act, entitled, "an act to amend an act, entitled, "an act to eſtabliſh a college, and incorporate the truſtees thereof, in the county of Davidſon," paſſed at Knoxville, on the twenty-fifth day of October, one thouſand eight hundred and three, be, and the ſame is hereby repealed.

Sec. 6. *Be it enacted*, That this act ſhall be in force from and after the paſſing thereof.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LII.

AN ACT *to appoint a commissioner to run the line between the Counties of Williamson, Davidson and Dickson.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Heny Rutherford be, and is hereby appointed a commiſſioner to run and mark the lines (where the ſame hath not been done) between the counties of Williamſon, Davidſon, and Dickſon, (formerly Robertſon) agreeably to an act, entitled, "an act to divide the county of Davidſon into two diſtinct counties," paſſed October the twenty-ſixth, one thouſand ſeven hundred and ninety-nine.

Sec. 2. *Be it enacted*, That Heny Rutherford ſhall receive two dollars per day, and each chain-carrier and one marker by him appointed, one dollar per day for their ſervices; which expence ſhall be equally apportioned between the ſaid counties, and paid by their reſpective treaſurers accordingly, and their receipts ſhall be ſufficient vouchers in the hands of the treaſurer in the ſettlement of his accounts.

Sec. 3. *Be it enacted*, That the ſaid Heny Rutherford ſhall

take an oath before ſome juſtice of the peace for one of the ſaid counties, that he will juſtly and truly run the aforeſaid line according to law.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LIII.

AN ACT *concerning the Court of Pleas and Quarter Seſſions, for the County of Davidſon.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That in future, it ſhall and may be lawful for the court of pleas and quarter ſeſſions for the county of Davidſon, to hold and continue each term twelve juridical days: *Provided*, the buſineſs before them ſhould require it.

Sec. 2. *Be it enacted*, That the ſaid court ſhall, when they may deem it neceſſary, (a majority of the acting juſtices being preſent) proceed to lay a tax on the county aforeſaid, for the expreſs purpoſe of erecting a new diſtrict and county jail within the limits of the town of Naſhville; which tax ſhall be laid, collected, and accounted for, in the ſame way, and under the ſame rules and reſtrictions as is obſerved in collecting and accounting for public taxes, and ſhall make ſuch other rules and regulations reſpecting the ſaid building as they may think proper.

Sec. 3. *Be it enacted*, That when the building aforeſaid ſhall be finiſhed and fit for uſe, the ſaid court ſhall cauſe all perſons confined in the old jail, to be ſafely conveyed to the ſaid new jail, and ſhall diſpoſe of the materials of the old jail to the beſt advantage, the proceeds of which ſhall be applied towards defraying the expence of the ſaid new jail.

Sec. 4. *Be it enacted*, That the ſaid court ſhall be, and they are hereby empowered, if to them it ſhall appear neceſſary, to extend the preſent priſon bounds of ſaid county, ſo as to include the ſpring at Stump's ware-houſe.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the passing thereof; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER LIV.

AN ACT *making compensation to Moses Fisk, for services by him performed in revising and compiling the Laws of this State, &c. agreeably to an act of this General Assembly, past November the third, one thousand eight hundred and three for that purpose, and for other purposes.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the sum of three hundred dollars be allowed Moses Fisk, as full compensation for services by him performed, and expences incurred in revising and compiling the laws of this state, &c. as directed by the above recited act, to be drawn from either of the treasuries of this state, on a warrant signed by the Governor.

Sec. 2. *Be it enacted*, That the said Moses Fisk shall have leave to withdraw said compilation for the purpose of completing the same, according to the above recited act, and by him to be laid before the general assembly of this state at their next session, subject to their revision, or any regulation that the legislature may make relative thereto.

Sec. 3. *Be it enacted*, That the Governor be, and he is hereby authorised to issue to George Wilson, a warrant on either of the public treasuries of this state, for the sum of fifty-seven dollars, as full compensation for printing heretofore done for the use of the state; and that the sum of fifty dollars be allowed each of the public treasurers for services by them performed, which shall be allowed them in the settlement of their accounts.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LV.

An ACT authorising the Court of Greene county, to lay and collect an additional tax, for the purpose of erecting a Jail in the town of Greeneville, and county of Greene.

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for a majority of the acting justices when they think it expedient, to lay a tax for the purpose of building and erecting a stone jail in the county of Greene, and town of Greeneville, and the tax when laid, shall be collected and accounted for, as other county monies are; and after the said jail is erected, the surplus money, if any, shall be paid over to the county trustee, for other county purposes.

Sec. 2. *Be it enacted*, That the tax when laid, shall not exceed twelve and one half cents on each white poll; twenty-five cents on each black poll; twelve and one half cents on each hundred acres of land; twenty-five cents on each town lot; and one dollar on each stud horse kept for mares.

Sec. 3. *Be it enacted*, That the money arising by virtue of the aforesaid tax when levied and collected, shall be deposited in the hands of such person as may be chosen by the court of Greene, or into the hands of the commissioners for the regulation of the aforesaid town of Greeneville, for the express purpose contemplated by this act; and the tax so levied when collected and paid into the hands of either as above, he or they shall forthwith proceed to employ some fit and suitable person or persons to erect the jail aforesaid.

Sec. 4. *Be it enacted*, That the erection and building of the jail aforesaid, shall be under the particular direction and inspection of the board of commissioners for the regulation of the aforesaid town of Greeneville; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LVI.

AN ACT *appointing additional commissioners for regulating the town of Kingston, near South-West-Point, in the county of Roane, and for other purposes.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Thomas I. Vandyke, Samuel Eskridge, Jacob Jones and John M'Cune, are hereby appointed to act with as many of the old commissioners as have not removed out of said county, and shall be considered as acting commissioners for the town of Kingston, within the county of Roane.

SEC. 2. *Be it enacted*, That the said commissioners shall, and may take upon themselves the regulation and management of the said town, having regard to the manner and form the same hath heretofore been laid out by the former commissioners by law appointed for that purpose.

SEC. 3. *Be it enacted*, That from and after the passing of this act, the commissioners aforesaid shall be, and they, and every of them are hereby constituted directors for the designing and improving the town aforesaid, and they, or a majority of them, shall have power to meet as often as they may think necessary for all purposes contemplated in this act.

SEC. 4. *Be it enacted*, That the said commissioners, or a majority of them, shall and may cause the streets of said town to be kept in good repair: *Provided*, they call on none but the inhabitants of said town for that purpose; and said commissioners shall have power to exercise their authority as regulators of said town, in all respects whatever.

SEC. 5. *Be it enacted*, That it shall be the duty of the said commissioners, as soon as may be, to procure a deed to themselves and their successors, for the public square laid out for the use of said town, and to act with the commissioners heretofore appointed by law, to agree with a suitable workman to build a court house, prison and stocks on said square.

SEC. 6. *Be it enacted*, That in case of death, refusal to act, or removal of any of the said commissioners, the survivors, or a majority of them, shall assemble, and are hereby authorised to nominate and appoint by instrument in writing, under their hands, some other person being an inhabitant and free-holder of

ſaid county, in the place & room of him ſo dead, refuſing to act, or removing out of ſaid county, which ſaid commiſſioners ſo appointed, ſhall have and exerciſe all the ſame powers and authorities in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed, had and exerciſed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28*th*, 1805.

CHAPTER LVII.

An ACT *concerning James Robertſon and others.*

BE *it enacted by the General Aſſembly of the State of Tennessee*, That the Governor of this ſtate ſhall, and he is hereby authoriſed and directed to iſſue a warrant on either of the public treaſuries of this ſtate, in favor of James Robertſon, for the ſum of ninety dollars; alſo, a warrant on either of the treaſuries aforeſaid, in favor of his Excelleney John Sevier, for the ſum of forty-five dollars, as compenſation for their ſervices as commiſſioners appointed on the part of this ſtate, to attend with the commiſſioners of the United States, at a Cherokee treaty in the month of October laſt; and likewiſe a warrant on either of the aforeſaid treaſuries, in favor of William Dixon, for the ſum of twenty dollars, money by the ſaid William Dixon advanced, in procuring a copy of the entries made in the entry-taker's office of Sullivan and Waſhington counties.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28*th*, 1805.

CHAPEER LVIII.

An ACT *to prevent the obſtruction of the navigation of Smith's Fork, of Caney Fork of Cumberland River.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That the navigation of

Smith's fork, of Caney fork of Cumberland river, from the mouth thereof to Stump's mills, shall remain open and free.

Sec. 2. *Be it enacted*, That if any person or persons have heretofore erected, or shall hereafter erect any fish dams or hedges on said creek, they shall remove all such obstructions; and the said creek is hereby declared a public highway.

Sec. 3. *Be it enacted*, That any person or persons who shall fail to comply with the above, shall forfeit and pay for every such offence twenty-five dollars, for every twenty-four hours such obstruction may remain, recoverable before any jurisdiction having cognizance thereof, one half to the person suing for the same, and the other half to the county of Smith.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate,

October 28*th*, 1805.

CHAPTER LIX.

AN ACT *directing the mode of reporting lands and other property, which have not been given in agreeable to Law.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the several justices of the peace, who hereafter may be appointed to take in the taxable property in the different districts or captains companies in which they may respectively reside, after they have made out a list of all the taxable property which may have been returned to them; to make diligent enquiry, and use all means that may be in their power to gain information of any land or other property within their respective districts or captains company, which now is, or hereafter may be declared taxable, that may not have been returned to them as is required by law; and if any justice upon such enquiry, finds that there is any land or other property, which may not have been returned to him as heretofore contemplated by law; then and in that case, it shall be his duty if it be land, to ascertain as nearly as possible, from his own knowledge or good information, the number of acres that the same may contain, and to whom it is supposed or known to belong; if other property, he shall

aſcertain of what ſpecies the ſame may be, and enter the ſaid land and property on his ſaid liſt of taxable property, and return the ſame to the clerk of their reſpective counties.

Sec. 2. *Be it enacted*, That ſaid clerks, upon receiving all the liſts of taxable property within their reſpective counties, ſhall carefully examine ſaid liſts, and if they, upon ſuch examination, find that any land or other property as aforeſaid, may have been returned by more than one juſtice in the ſame year, they ſhall, in making out a copy of ſaid liſts to give to the ſheriff for collection, make a particular note of ſuch land or other property as may ſo appear to be twice returned, or returned by two or three ſeveral juſtices in the ſame year.

Sec. 3. *Be it enacted*, That it ſhall be the duty of the reſpective ſheriffs, on receiving ſuch liſts, upon which any ſuch notes may be made, to aſcertain in which of the ſaid juſtices diſtricts or captain's company, the ſaid land or other property may truly lie or be, (to the end that the ſaid land or property may not be twice taxed in the ſame year, as the property of the ſame perſon) and proceed thereupon to collect the tax which may be due upon the ſame, in the ſame manner as heretofore directed by law.

Sec. 4. *Be it enacted*, That it ſhall be the further duty of ſaid ſheriffs, to uſe all the means they have in their power to aſcertain if there is any land in their county which has not been returned by the different juſtices; and if they find any ſuch land, they ſhall make a return thereof to the clerk of the county, ſtating therein the number of acres, and to whom the ſame may belong; and after making ſuch return, they ſhall proceed to collect the taxes thereon due as in other caſes; any law to the contrary notwithſtanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LX.

AN ACT *to repeal an act, entitled*, "An act for the better ſecurity of the Trial by Jury in the Superior Courts."

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That an act, entitled, "an act for the better security of the trial by jury in the superior court," passed November the first, one thousand eight hundred and three, be, and the same is hereby repealed and made void, and the law which heretofore governed in that case, be, and the same is hereby revived, and shall be in full force and virtue; any thing to the contrary notwithstanding: *Provided*, that the several county courts shall not appoint any person as a juror to any of the superior courts of this state, that has a cause depending in said court he is appointed to attend: *Provided also*, that either party may peremptorily challenge two jurors in any cause to be tried in any of the courts aforesaid.

Sec. 2. *Be it enacted*, That the second, third, fourth and sixth sections of an act passed at Knoxville, November the fifth, one thousand eight hundred and three, entitled, "an act, supplementary to an act, entitled, an act, to amend an act establishing courts of law, and for regulating proceedings therein," so far as respects the county courts, be, and the same are hereby repealed, and the law heretofore in force and use, the same is hereby revived and shall be in full force; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXI.

AN ACT *to alter the Fees of Registers and Rangers, and for other purposes.*

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of August next each register shall be entitled to receive as a compensation for his services—For each deed of conveyance or grant, where but one tract of land is conveyed, or but one warrant contained in a grant, sixty-two and one half cents; for registering each certificate and order of registration, twelve and one half cents; for such certificate, six and one fourth cents; for each tract of land contained in the same deed more than one,

twenty-five cents; for each [redacted] there is more than one, [redacted] search of the register's books, [redacted] copy of each deed, fixty-two and [redacted] each grant, fixty-two and one half cents; [redacted] fame, twelve and one half cents; [redacted] ty cents; for certificates thereof, [redacted] And each ranger may receive the following fees [redacted] ing ſervices—for each horſe, mare, [redacted] with him as a ſtray, fixty-two and one half cents; for each head of cattle, thirty-ſeven and one half cents; for each ſheep or hog, twelve and one half cents; for each ſtray, one cent and one half cent.

Sec. 2. *Be it enacted*, That if any perſon or perſons have obtained, or may hereafter obtain *general deeds* or other conveyances, to him and the ſame tract or parcel of land, by compromiſe with an adverſe claimant or otherwiſe, ſuch perſon or perſons after having paid the public tax on the regiſtration of ſuch *general* deeds or conveyances, ſhall be entitled, from and after the paſſing of this act, to have the ſame regiſtered [redacted] without paying any public tax thereon, by the payment of the uſual fees of office to the regiſter; any law to the contrary notwithſtanding.

Sec. 3. *Be it enacted*, That in future it ſhall and may be lawful for the rangers in the ſeveral counties in this ſtate, to adminiſter oaths to any perſons who may wiſh to prove their property taken up and entered as a ſtray or ſtrays, and the ſame ſhall be as valid in law, as if proven before any juſtice of the peace.

Sec. 4. *Be it enacted*, That the ſixth ſection of an act, entitled, "an act to prevent abuſes in taking up ſtray horſes, cattle, and hogs," paſſed the twenty-ſixth day of October, one thouſand ſeven hundred and ninety-nine, be, and the ſame is hereby repealed; and in future the taker up of any ſtrays ſhall not be compelled to pay the county trustee more than one half the appraiſed value thereof.

ROBERT G. FOSTER,
Speaker of the Houſe of Repreſentatives.

JOSEPH M'MINN,
Speaker of the Senate.

November, 1805.

CHAPTER LXII.

AN ACT *for the better regulation of Registers Offices, &c.*

WHEREAS *considerable loss is likely to be sustained by many of the citizens of this state, by reason of the loose and irregular manner in which many of the Registers offices have heretofore been kept.* For remedy whereof:

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the registers of the different counties in this state, at the first court held in their respective counties, after the first day of January next, or any succeeding term, to lay before the court of said county or three of their body appointed for that purpose, all the records of their office, for the purpose of examination.

SEC. 2. *Be it enacted*, That if said courts upon examination of said records, find that they have not been kept as contemplated by this act, in a well bound book or books, and wrote in a fair legible hand writing, they shall, if they deem it expedient, immediately proceed to, select from among said records such books thereof, as may appear to be in such loose and irregular situation, and appoint the register or some other person, for the purpose of transcribing the same, who shall, previous to his commencing said transcript, take the following oath before some justice of the peace of his county, to wit: I, A. B. do swear, that I will well and truly transcribe all the books that have been delivered to me for that purpose, by the court of the county of as the records, or part of the records, as the case may be, of the registers office of said county, without any alteration or deviation from the said original records, to the best of my ability and understanding. SO HELP ME GOD.

SEC. 3. *Be it enacted*, That it shall be the duty of the said transcriber immediately upon taking the above oath, to proceed to copy or take a fair and legible transcript of said records in a book or books to be procured by the said court for that purpose, leaving a margin in the same, for the purpose of inserting therein the page that the different instruments may have been recorded in, in the original books, to the end, that no variation may appear between the pages of the transcript so taken,

and thoſe that may have been entered in the certificates on the different inſtruments regiſtered in the original books aforeſaid.

Sec. 4. *Be it enacted*, That it ſhall be the further duty of ſaid tranſcriber in taking ſaid tranſcript, to pay particular attention to the dates of the regiſtration of every inſtrument in ſaid original books, and tranſcribe them in order thereby; and when he may fill a book in tranſcribing as aforeſaid, he ſhall make a fair and legible alphabetical liſt of all the inſtruments contained in ſaid book, from whom, and to whom granted or conveyed.

Sec. 5. *Be it enacted*, That when ſaid tranſcriber, finiſhes ſaid tranſcript, and after the ſame may be colated with the originals by the ſaid tranſcriber, and one other ſuitable perſon to be appointed by the court for that purpoſe, who ſhall be upon oath, and ſhall receive the ſum of one dollar and fifty cents for each day he may be neceſſarily engaged therein, to be paid out of the funds of the county; he ſhall depoſit the ſame in the regiſter's office of his county, and a copy of any inſtrument taken from ſaid tranſcript and certified by the regiſter, ſhall be received as evidence in any court of law, or equity in this ſtate, in as full and ample a manner, as a copy from the original books, might or could have been, and the original records, from which the ſaid tranſcript may have been ſo taken as aforeſaid, ſhall be depoſited in the clerk's office of the county; and in caſe any perſon ſhould not be ſatisfied with the tranſcript, and wiſh to have acceſs to the original, the clerks are hereby authoriſed to grant ſuch perſon a tranſcript, after demanding and receiving therefor, the ſum of fifty cents to be paid by the party applying.

Sec. 6. *Be it enacted*, That the different county courts in this ſtate, ſhall allow the perſon by them reſpectively employed for the purpoſes contemplated by this act, a reaſonable compenſation for his ſervices, to be paid by the truſtee of the county upon a certificate ſigned by the chairman of the court, out of any money not otherwiſe appropriated.

Sec. 7. *Be it enacted*, That for the future, the regiſters of the different counties are hereby authoriſed to call on their reſpective courts, and demand of them a well bound book or books, for the purpoſe of regiſtering therein ſuch inſtruments of writing as may be by law required to be regiſtered, wherein ſhall be entered by ſuch regiſter, all ſuch inſtruments in a fair legible hand writing, and in ſaid book or books ſhall be a margin.

for the purpose of inserting the name of the grantee, claimant, or such person as any such instrument may be given to, as well as the name of the grantor, or person giving such deed or other instrument, together with the name of any creek or particular place where any lands therein mentioned may lie; and it shall be the duty of the court upon such application, to procure such a book or books, the price of which shall be discharged by the trustee of the county upon a certificate signed by the chairman of the court of his county, out of any county money in his hands.

Sec. 8. *Be it enacted*, That in any case when it may be found upon examination, the transcript aforesaid varies in any manner in wording from the original record, so as to alter the meaning and substance thereof, in any deed or title which may be in litigation, a copy of the original record certified by the clerk of the county, shall be admitted as evidence, and in no other case whatever; any law to the contrary notwithstanding.

Sec. 9. *Be it enacted*, That from and after the first day of August next, it shall be the duty of the clerks of the different counties in this state, to receive the tax due to the state, on any deeds and mesne conveyances; and it shall be the duty of any person wishing a deed or grant, that has been proven before a judge and admitted to record, to be registered before he offers the same to the register, to pay the tax to the clerk of the county, who shall indorse a receipt on the same; and no register shall be at liberty to register any deed acknowledged before a judge, or register any grant unless a receipt is indorsed; and it shall be the duty of the clerks to account with the public treasurer for the amount of all money received, so as aforesaid, in the same manner as other public taxes are accounted for; and if any person shall forge a receipt as aforesaid, for every such offence, shall be liable to be indicted for forgery.

Sec. 10. *Be it enacted*, That so much of the law heretofore in force, as authorises and requires registers to collect the tax on grants and deeds, is hereby repealed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 30th, 1805.

CHAPTER LXIII.

An ACT supplementary to an act for the regulation of Registers offices, &c. passed the present Session of the General Assembly.

BE it enacted by the General Assembly of the State of Tennessee, That when any county court in this state, shall deem it expedient to proceed to have any of the records of the registers offices of their respective counties transcribed as contemplated by the aforesaid act, it shall and may be lawful for the said court to lay an additional county tax in their respective counties for that express purpose, not to exceed one half of the amount of the general county tax on the different species of property subject to county taxation; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXIV.

An ACT to fix the number of Senators from the State, into Election Districts, and determine the portion to be allotted to each, as well as to fix the number of Representatives for the several Counties in the State, in pursuance of the provisions of the Constitution.

WHEREAS the returns of the enumeration that have been made to the Secretary's Office from the several counties in this state, have not been in conformity with an act, entitled, "An act to provide for taking the enumeration of free taxable inhabitants," passed at Knoxville, the fourth day of August, Anno Domini, one thousand eight hundred and four. For remedy whereof:

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That for the second septennial term of the apportionment of the representation of this

ſtate in the legiſlature thereof, according to the eſſential provi ſions of the conſtitution, the ſenators ſhall be allotted and apportioned amongſt the ſeveral election diſtricts; and the repreſentatives ſhall be allotted and diſtributed amongſt the ſeveral counties in the ſtate, according to the number of free taxable inhabitants which they have reſpectively returned on the tax liſts for the year Anno Domini, one thouſand eight hundred and four, as nearly as may be, conſiſtently with expedience and juſtice.

Sec. 2. *Be it enacted by the General Aſſembly of the State of Tenneſſee*, That until the next enumeration of free taxable inhabitants, and an apportionment thereof ſhall be made, the ſenate ſhall conſiſt of thirteen ſenators. The counties of Waſhington and Carter ſhall compoſe a diſtrict, and elect one ſenator; the counties of Sullivan and Hawkins ſhall compoſe a diſtrict, and elect one ſenator; the county of Greene ſhall compoſe a diſtrict, and elect one ſenator; the counties of Grainger and Claiborne ſhall compoſe a diſtrict, and elect one ſenator; the counties of Jefferſon and Cocke ſhall compoſe a diſtrict and elect one ſenator; the counties of Sevier and Blount ſhall compoſe a diſtrict, and elect one ſenator; the county of Knox ſhall compoſe a diſtrict and elect one ſenator; the counties of Anderſon and Roane ſhall compoſe a diſtrict and elect one ſenator; the counties of Jackſon and Smith ſhall compoſe a diſtrict and elect one ſenator; the counties of Sumner and Wilſon ſhall compoſe a diſtrict, and elect one ſenator; the counties of Robertſon, Dixon, Montgomery and Stewart ſhall compoſe a diſtrict, and elect one ſenator; the counties of Williamſon and Rutherford ſhall compoſe a diſtrict, and elect one ſenator; and the county of Davidſon ſhall elect one ſenator.

Sec. 3. *Be it enacted by the General Aſſembly of the State of Tenneſſee*, That in thoſe diſtricts which are compoſed of more than one county, the ſheriff or coroner, as the caſe may be, within each county compoſing an election diſtrict, after having counted out the votes in ſuch manner as is directed by law, ſhall meet on the Monday ſucceeding the election, at ſuch places as are hereinafter mentioned, within the diſtrict of which ſuch county is a part, to compare the votes received by them in each county; and the perſon or perſons voted for in all or either of the counties compoſing an election diſtrict, having the

highest number of votes in such district, shall be declared duly elected; and the said sheriffs or returning officers, shall make out and execute under their hands and seals, a true return for such election district: The sheriffs or returning officers composed of the district of the counties of Washington and Carter, shall meet at the court-house in Jonesborough, for the purpose aforesaid; the sheriff or returning officer of the district composed of the counties of Sullivan and Hawkins, shall meet at Rossville, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Grainger and Claiborne, shall meet at the court-house in the town of Rutledge, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Jefferson and Cocke, shall meet at the house of Parmenus Taylor, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Sevier and Blount, shall meet at the house of Joseph Vance, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Anderson and Roane, shall meet at the court-house in Burrville, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Jackson and Smith, shall meet at Fort Blount, for the purpose aforesaid; the sheriffs or returning officers for the district composed of the counties of Sumner and Wilson, shall meet at the court-house in Gallatin, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Robertson, Dixon, Montgomery and Stewart, shall meet at the court house in the town of Clarksville, for the purpose aforesaid; the sheriffs or returning officers for the district composed of the counties of Williamson and Rutherford, shall meet at the court-house in the town of Franklin, for the purpose aforesaid.

Sec. 4. *Be it enacted*, That until the next enumeration of free taxable inhabitants, and an apportionment thereof shall be made, the house of representatives shall consist of twenty-six members, to be proportionably distributed amongst the several counties according to the number of free taxable inhabitants which they have respectively returned on the tax lists for the year eighteen hundred and four: The county of Washington shall be entitled to elect one; the county of Carter shall be entitled to elect one; the county of Sullivan, shall be entitled to

elect one; the county of Hawkins shall be entitled to elect one; and the counties of Sullivan and Hawkins shall be entitled to, and elect one additional representative alternately, beginning with Hawkins; the county of Greene shall be entitled to elect one; the county of Grainger shall be entitled to elect one; the county of Claiborne shall be entitled to elect one; the county of Jefferson shall be entitled to elect one; the county of Cocke shall be entitled to elect one; the county of Sevier shall be entitled to elect one; the county of Blount shall be entitled to elect one; the county of Knox shall be entitled to elect two; the counties of Anderson and Roane shall be entitled to elect one; the county of Jackson shall be entitled to elect two; the county of Smith shall be entitled to elect one; the county of Sumner shall be entitled to elect two; the county of Wilson shall be entitled to elect one; the county of Rutherford shall be entitled to elect one; the county of Williamson shall be entitled to elect one; the county of Davidson shall be entitled to elect one; the counties of Robertson and Dixon shall be entitled to elect one; the counties of Montgomery and Stewart shall be entitled to elect one. And where more than one county compose a district for the election of a representative, the returning officers of such counties, at the same time and place that such returning officers meet for the purpose of comparing the votes for senators, shall also compare the votes for such representatives; and the sheriff or returning officer of the county first named in such district, shall make the final return thereof according to law.

Sec. 5. *Be it enacted*, That the senators and representatives shall be chosen by the citizens of the several counties in this state duly qualified, at such time, in such manner, and at such places as are or may be prescribed by the constitution and laws of this state.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 4th, 1805.

CHAPTER LXV.

An ACT for opening a turnpike road from the Walnut Cove over Cumberland mountain, to the Kentucky line, where Whitley's old trace crosses the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sampton David, James Grant and Arthur Crozier, are hereby appointed commissioners for the purpose of viewing the most eligible way to open a public road from the Walnut Cove in Anderson county, over Cumberland mountain, to the Kentucky line, so as to intersect with the road to be opened by the state of Kentucky from Danville to South-West-Point; and when said commissioners have designated the most eligible way to open said road, they shall be authorised to let the opening and repairing said road, to some fit person who will be authorised to erect a turnpike thereon, as soon as the said road is in fit and proper condition for the passage of waggons, carts and travellers, and receive toll at the rate of six and one fourth cents for each man and horse; fifty cents for each waggon and team; six and one fourth cents for all taxable slaves; twenty five cents for each cart, or two wheeled carriage and team; for each four wheeled pleasure carriage one dollar; for a term not exceeding ten years.

Sec. 2. *Be it enacted*, That on or before the first day of January next, said commissioners shall proceed to give public notice by advertising the same in some newspaper in Knoxville twenty days, that they will, at the town of Burrville, receive propolals for opening and keeping said road in repair, the shortest period of time not exceeding ten years; and the person proposing to open and keep said road in repair for the toll, the shortest period of time, shall immediately give bond with approved security, to be approved of by said commissioners, for the faithful discharge of the duty hereby imposed on him, in the sum of twenty thousand dollars, payable to the governor for the time being and his successors, to be lodged by said commissioners in the office of the secretary of state.

Sec. 3. *Be it enacted*, That the person receiving said road, shall immediately proceed to open said road, & to build bridges & causeways over swamps and creeks, when they may be necessa

ry, to open the road at leaſt twenty feet, and when the ſame is bridged and cauſwayed, to be at leaſt twelve feet in the centre, clear of ſtamps and rocks; and when the ſame ſhall be opened agreeably to the proviſion of this act, the ſaid commiſſioners are hereby authoriſed to grant licence to ſaid perſon to erect a turnpike thereon, at any place on ſaid road moſt convenient, and receive for the time he ſhall have to hold ſaid road, the toll herein before named.

Sec. 4. *Be it enacted*, That it ſhall be the duty of ſaid commiſſioners to view ſaid road twice in each year; & if at any time ſaid keeper of the road and turnpike, ſhall ſuffer the ſame to be out of repair for the ſpace of three months, ſaid commiſſioners are hereby authoriſed to declare the licence of ſaid perſon void; and may proceed to let the ſame to any other proper perſon who will comply with the proviſions of this act: *Provided*, that whenever ſaid commiſſioners may notify ſaid perſon that the road is out of repair, if he will put the ſame in proper repair within ſix weeks, he ſhall not for ſaid offence be ſubject to a forfeiture of ſaid turnpike.

Sec. 5. *Be it enacted*, That ſaid commiſſioners be entitled to receive for each day by them employed in viewing ſaid road, the ſum of two dollars per day, to be paid by the undertaker, and that they ſhall not be qualified to act without taking and ſubſcribing before ſome one of the judges of the ſuperior court or ſome juſtice of the peace in this ſtate, the following oath. I, A. B. do ſwear or affirm, (as the caſe may be) that I will not aſk or demand, directly or indirectly, from any perſon paſſing through ſaid turnpike, any greater tollage than by law is directed. SO HELP ME GOD.

Sec. 6. *Be it enacted*, That ſaid commiſſioners, before entering on the duties of their appointment, ſhall take and ſubſcribe the following oath before ſome juſtice of Anderſon county. I do ſwear or affirm, (as the caſe may be) that I will do equal and impartial juſtice to the public, to the beſt of my ſkill and knowledge. SO HELP ME GOD.

Sec. 7. *Be it enacted*, That if any perſon ſhall arbitarily or clandeſtinely paſs the ſaid turnpike, within one half mile, in order to evade the payment of the toll preſcribed by this act, he, ſhe, or they, ſhall forfeit and pay the ſum of five dollars for e-

very such offence, to the keeper of said turnpike, recoverable by action of debt before any justice of the peace of this state.

ROBERT O. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 2d, 1809.

CHAPTER LXVI.

An ACT to compel the Justices of the Peace in the different counties in this State to keep all the Judgments they render, in their possession, and for the regulation of the appointment of Constables.

SECTION 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall be the duty of the justices of the peace in the different counties in this state, to keep all the judgments they render in civil cases, in their possession, unless there are appeals or certioraris granted, which will make it necessary for them to part with the possession thereof, to obey the rules of law; and when they grant an execution, it shall be on a different piece of paper, and the warrant and judgment shall not accompany the same.

Sec. 2. *Be it enacted*, That the courts of the different counties in this state, shall not be at liberty to appoint more than one constable in each captain's company, and one for the county town, which constables shall be persons of good character.

Sec. 3. *Be it enacted*, That if any constable shall go about the neighborhood in which he lives, or through the country, and endeavor to stir up the people to commence suits against each other, by telling of falsehoods, or in any manner propogating reports that may have a tendency to instigate the good people to sue and vex each other; every constable so offending, shall be liable to be indicted for every such offence, for a misdemeanor in office, and on conviction, fined in a sum not less than five nor more than fifty dollars.

Sec. 4. *Be it enacted*, That any execution that shall hereafter be issued by a justice of the peace against the body, or goods and chattels of any person, who may remove himself, or goods

and chattels to any other county in this ſtate, before the ſame is ſatisfied, in every ſuch caſe it ſhall and may be lawful for the perſon or perſons having any ſuch judgment and execution, to obtain the certificate of the clerk of the county, ſetting forth that the magiſtrate who granted the judgment and execution, was at the time an acting juſtice of the peace of his county, for which the clerk ſhall receive fifty cents, to be paid by the party applying for the ſame, and the fees ſhall be endorſed on the certificate; and on producing ſaid execution and certificate to any juſtice of the peace of the county to which any debtor may have removed himſelf or property, it ſhall be ſufficient to authoriſe any juſtice of the peace to iſſue an execution on the ſaid judgment, for the amount of the judgment and coſts, and the coſt of the clerk's certificate.

Sec. 5. *Be it enacted*, That it ſhall not be lawful for any juſtice of the peace to iſſue a warrant in any civil caſe, unleſs on the perſonal application of the perſon wiſhing it to be done, or by his or her direction in writing, which direction the juſtice ſhall preſerve; and if any perſon ſhall forge an order for the iſſuing a warrant, he ſhall be liable to be indicted for a miſdemeanor, and fined in a ſum not leſs than five, nor more than fifty dollars.

Sec. 6. *Be it enacted*, That where any juſtice of the peace hath iſſued an execution on a judgment, and the conſtable or other officer to whom it is directed, return the ſame not ſatisfied, then, and in that caſe, the juſtice ſhall, if requeſted, iſſue an alias or plurius writ for the ſame.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28th, 1805.

CHAPTER LXVII.

AN ACT *to reduce Smith county to Conſtitutional limits.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That the county of Smith ſhall be reduced to conſtitutional limits, viz. ſix hundred and twenty-five ſquare miles, and bounded as follows: by Sumner

and Wilson counties on the west; by the northern boundary of the state on the north; by a parallel with the upper boundary of Sumner county, to Cumberland river, and from thence a parallel line with the upper boundary line of Wilson county, to the Indian boundary line, and with the same south, forty-five degrees west to the south east corner of Wilson county.

Sec. 2. *Be it enacted*, That Willis Jones, and Lee Sullivan, are hereby appointed with power, both or either of them, to ascertain by actual survey the eastern boundary of said county, to the Indian boundary, and that said surveyors shall have power to employ two chain-carriers, and two markers, and shall cause the upper boundary of Smith county to be well marked, and all that part of the county of Smith, after being reduced as aforesaid, lying east of the upper boundary of said county, ascertained as aforesaid, be, and the same is hereby annexed to the county of Jackson.

Sec 3. *Be it enacted*, That it shall be lawful for the sheriff of Smith county to collect the taxes in all that part of the county of Smith now annexed to the county of Jackson, for the present year, together with all arrearages of taxes due the county of Smith, in the same manner, and under the same rules and restrictions as if this act had never been passed, and that all expences incurred in ascertaining and marking said lines, shall be paid by the said counties of Smith and Jackson, that is to say, each county to pay one half the expence: And that said surveyors shall each be allowed two dollars for each day they may be necessarily employed in running said lines as aforesaid; and each chain-carrier and marker shall be allowed one dollar for each day they may be employed as aforesaid; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
October 28th, 1807. *Speaker of the Senate.*

CHAPTER LXVIII.

AN ACT *to alter the time of holding court in Montgomery County.*

BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the

first day of January next, the court of Montgomery county shall commence on the fourth Mondays of March, June, September, and December, and all causes, matters and things, depending in the court of the aforesaid county, shall be adjourned over to the time stated in this act; and the said court shall have power to set as heretofore, six days in each term.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXIX.

AN ACT *to release Nicodemus Hackworth from the penalties of a forfeited recognizance.*

WHEREAS *Nicodemus Hackworth entered into recognizance with Nicodemus Leftwick, for the prosecution of a suit at a superior court heretofore held for the district of Hamilton, and the said Nicodemus Leftwick failing to appear and prosecute said suit, whereby the said Nicodemus Hackworth is likely to be injured, by being compelled to pay the aforesaid forfeiture.* For remedy whereof:

BE *it enacted by the General Assembly of the State of Tennessee*, That the said Nicodemus Hackworth is hereby released and forever set free from the penalties of said forfeited recognizance; any law, usage or custom to the contrary notwithstanding: *Provided nevertheless*, that nothing herein contained shall be so construed as to exonerate the said Nicodemus Hackworth from the payment of all costs and charges which have heretofore accrued in the before recited case.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXX.

An ACT to alter the place of holding General Musters and Elections in the Eastern end of Carter County.

WHEREAS *frequent applications hath been made to this General Assembly, to establish the place of holding separate general musters and elections in the second battalion of the militia of Carter county.* And whereas *two places hath been recommended as fit and suitable places to hold the said elections and musters, to wit, the plantations of Thomas Johnson and of William Moreland.* Wherefore, *to prevent further applications on that head:*

SECTION. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That within [illegible] from and after the passing [illegible] shall and may be lawful for the lieutenant colonel commandant of Carter county, to issue a written notice to the commanding officer of each company within the said second battalion, that on a certain day (which he the said colonel may appoint) there will be an election held at the house of William Moreland, for the purpose of fixing on one of the above places, as the established place of holding general musters and elections in the said battalion.

Sec. 2. *Be it enacted,* That after said election, which ever of the above places may have the greatest number of votes, is hereby declared to be the place established by law for holding separate general musters and elections, in said battalion; and that all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 30*th*, 1805.

CHAPTER LXXI.

An ACT supplementary to an act, entitled, "An act appointing commissioners to settle with the persons heretofore appointed in the county of Washington, to contract for the public buildings and regulation of the town of Jonesborough,

and to appoint certain perſons in their ſtead for the purpoſes aforeſaid," *paſſed the ſixth day of November, one thouſand eight hundred and one.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That Iſaac Depew, Joſeph Young, and Joſeph Brown, be, and they are hereby appointed commiſſioners in the room of thoſe appointed by the before recited act, and with as full and ample power as the commiſſioners had, who were appointed by ſaid act; and ſaid commiſſioners ſhall receive the ſum of one dollar and twenty-five cents, for each day they may be neceſſarily employed in carrying ſaid act into effect, to be paid out of any monies in the hands of the county truſtee.

SEC. 2. *Be it enacted*, That ſo much of the ſaid act as the ſame is hereby repealed, ſo far as it may conflict with the true intent and meaning of this act, ſhall, and ſaid act, is hereby declared to be in full force.

Sec. 3. *Be it enacted*, That as ſoon as they have performed the duties enjoined on them by virtue of this act, they ſhall make out a ſtatement, and exhibit the ſame to the court of Waſhington county, whoſe duty it ſhall be, to examine the ſame, and allow it, and the clerk ſhall certify that ſaid account has been allowed, and ſaid county truſtee ſhall pay the ſame, which account ſhall be a ſufficient voucher in the ſettlement of the accounts of ſaid truſtee.

ROBERT C. FOSTER,
Speaker of the Houſe of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LXXII.

AN ACT *directing the mode of aſcertaining the bounds of improvement and occupant claims ſouth of the rivers French Broad and Holſton, between the rivers Big Pigeon and Tennessee, and authoriſing the plats of ſuch improvement, when filed, to be evidence when the bounds of ſuch improvement may come in queſtion.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That all holders of im-

provement claims, or claims of occupancy or pre-emption south of the rivers French Broad and Holſton, between the rivers Big Pigeon and Tenneſſee, ſhall be at liberty, and are hereby authoriſed to ſurvey their reſpective claims and to aſcertain the bounds thereof according to their ſeveral conditional lines, if they think proper, and to cauſe a plat of ſuch ſurvey to be made, ſetting forth the courſes and diſtances of the lines of ſaid ſurvey, and the quantity of land contained therein, certified to be a juſt plat of the claim ſurveyed, on oath of the ſurveyor making the ſame; which plats may be by the holder of ſuch claim filed in the regiſter's office of the county where ſuch claims may lie, and when filed, a copy thereof ſhall be evidence of the lines and bounds of the claim to which it relates, in all caſes where the bounds of ſaid claim may come in queſtion, but ſhall not bar any other perſon or perſons having a right to ſuch claim or any part thereof: *Provided*, that before any perſon ſhall proceed to ſurvey his or their claim under the authority of this act, he or they ſhall give notice in writing, to all thoſe who hold claims adjoining, of the time he or they intend to ſurvey, if ſuch claimants live within the bounds of the county, and if they are not known, or live out of the county where ſuch claim lies, it ſhall be the duty of the perſon about to proceed to ſurvey, to adverti ſe his, her or their intention at the court houſe of the county where the land lies, and alſo at three other public places, at leaſt ſixty days before ſuch ſurvey ſhall be made.

Sec. 2. *Be it enacted*, That in caſe any diſpute ſhould ariſe between the holders of improvement, occupant, or pre-emption claims, concerning their conditional lines, in that caſe the contending parties ſhall each choole one man, which two when choſen, ſhall proceed to choole ten others to act with them as a jury to ſettle the diſputed line or lines, the foreman of which jury ſhall be appointed by a majority of them, and when ſo appointed, is hereby authoriſed to ſwear all witneſſes that may be adduced by the parties, and when ſaid jury have examined and heard the evidence, they ſhall ſettle ſaid conditional lines, and give judgment agreeably thereto, from which judgment there ſhall be no appeal, but ſhall be final: *Provided*, nothing herein contained ſhall prevent either party from filing his or their petition at the next court held for the county where the land may

file, for a certiorari, setting forth the special reason of wishing a re-examination, which petition shall be sworn to in open court, on hearing of which the said court may grant or reject said petition as to them may seem just and proper; and it shall be the duty of the foreman of such jury, to keep the whole of the proceedings of the jury he is foreman of, until the rise of the next county court, and in case a certiorari is granted, he is hereby required to return said proceedings to said court.

Sec. 3. *Be it enacted*, That all trials under authority of this act, shall be on the premises in the first instance; and the several justices of the peace of each county are hereby authorised to issue subpœnas to compel the attendance of witnesses to give evidence on the trial of all disputed conditions to the jury trying the same; which subpœna shall be directed to the sheriff of the county where such witness may reside, and be by him served, for which service he shall have the same fees as for serving other subpœnas, to be paid by the party against whom the jury give their verdict; and in case any witness fail or refuse to attend, they shall be subject to the same forfeitures and penalties as witnesses failing to attend the county courts.

Sec. 4. *Be it enacted*, That when any person shall deliver a plat, certified as by this act required, to any register, it shall be the duty of such register to file the same in his office, and safely to keep the same, for filing which he shall be entitled to a fee of twenty-five cents; and it shall be the duty of such register to deliver copies of said plats so filed, with the courses, distances, and surveyor's certificate, to any person applying for the same, and may demand and receive the sum of seventy-five cents for each copy so delivered.

Sec. 5. *Be it enacted*, That all bills of sale and other instruments in writing, transferring or conveying any right of improvement, occupancy, or pre-emption, from one settler to another, shall be proven and recorded in the same manner, and under the same regulations as is provided and required for proving and recording deeds of conveyance under grants; which bills of sale and other instruments aforesaid, when so proven and recorded, shall be as complete evidence of such transfer, as deeds of conveyance are, of the transfer of patent lands.

Sec. 6. *Be it enacted*, That it shall not hereafter be lawful for any person or persons whatever, to make any survey or sur-

veys on any warrant or warrants, that have iſſued, or may iſſue from the ſecretary's office of this ſtate, or that have or may iſſue from the ſecretary's office of the ſtate of North-Carolina, or on any entry or entries made on the aforeſaid warrants, or that may be made on them in any of the offices of this ſtate, or that have been made in any of the offices of the ſtate of North-Carolina, for the purpoſe of obtaining a grant or grants on the ſaid ſurveys or entries, on that tract of country aforeſaid; and in caſe any grant or grants ſhall be iſſued, or title perfected for any of the aforeſaid lands, ſuch grant ſhall not be given or received in evidence in any court within this ſtate.

ROBERT C. FOSTER,
Speaker of the Houſe of Repreſentatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28th, 1805.

CHAPTER LXXIII.

AN ACT *appointing additional commiſſioners for the town of Burrville, and for regulating the ſame.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tenneſſee*, That Hugh Barton, Benjamin C. Parker, John Leib, and John Lynch, be, and are hereby appointed commiſſioners of the town of Burrville, in addition to thoſe who were previouſly appointed.

Sec. 2. *Be it enacted*, That the aforeſaid commiſſioners, together with ſuch of thoſe heretofore appointed, who have not removed themſelves out of the county, or any number of them not leſs than five, ſhall have full power and authority to exerciſe and diſcharge all the duties enjoined by law on the former commiſſioners of ſaid town, and ſaid commiſſioners ſhall have full power to regulate ſaid town, and repair the ſtreets: *Provided*, that no perſon ſhall be compelled to work on ſaid ſtreets, but thoſe who reſide within the limits of ſaid town.

Sec. 3. *Be it enacted*, That the ſaid commiſſioners, or a majority of them, ſhall have full power in caſe of death, removal, or refuſal to ſerve of any of ſaid commiſſioners, to nominate and appoint by inſtrument in writing under their hands, ſome other perſon being an inhabitant and freeholder of ſaid

county; which commiſſioner or commiſſioners ſo appointed, ſhall have and exerciſe all the power and authority, as the perſon in whoſe room he was appointed, had and exerciſed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

CHAPTER LXXIV.

AN ACT *to authoriſe the county court of Cocke to lay an additional county tax for the purpoſe of paying the grand jurors that have been appointed to attend the courts in ſaid county, for two years laſt paſt.*

BE *it enacted by the General Aſſembly of the State of Tennessee*, That the county court of Cocke (if they think it expedient) be, and they are hereby authoriſed and empowered to lay an additional county tax not exceeding one year, for the purpoſe of paying the grand jurors who have attended the ſeveral courts which have been holden in and for ſaid county, within two years laſt paſt, which tax ſhall not exceed twelve and one half cents on each white poll; twenty-five cents on each black poll; twelve and one half cents on each hundred acres of land; one dollar on each ſtud horſe kept for mares; and twenty-five cents on each town lot, to be collected by the ſheriff or collector, accounted for, and paid into the hands of the county truſtee for the purpoſe aforeſaid; and the certificates of ſaid jurors ſhall be ſufficient vouchers for him, in the ſettlement of his accounts.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

CHAPTER LXXV.

AN ACT *to provide for the payment of the Members, Clerks and Door-Keepers of the preſent General Aſſembly, and for other purpoſes.*

SECTION 1. BE *it enacted by the General Aſſembly of the State of Tennessee*, That each member ſhall receive the ſum of two dollars and fifty cents for each day he has attended this general aſſembly, and a like ſum for every twenty-five miles travelling to and from the ſame.

Sec. 2. *Be it enacted*, That each principal clerk of the legiſlature ſhall receive the ſum of four dollars & fifty cents for each day he may have attended the ſame; & each aſſiſtant clerk the ſum of four dollars & fifty cents for each day he may have attended the ſame; and that Edward Scott, chief clerk of the houſe of repreſentatives, be allowed the ſum of eighty-five dollars for ſtationary, and John N. Gamble, chief clerk of the ſenate, the ſum of ſixty-one dollars and fifty-two cents for ſtationary.

Sec. 3. *Be it enacted*, That each door-keeper of this aſſembly be allowed the ſum of two dollars and fifty cents for each day he may have attended the ſame; and that John Bright, door keeper of the ſenate, be allowed a further ſum of thirteen dollars and ſeventy-five cents, for fuel, &c. and that John Rhea, door-keeper of the houſe of repreſentatives, be allowed a further ſum of ten dollars and ninety-ſix cents for tables, &c.

Sec. 4. *Be it enacted*, That John Williams, Eſquire, who is appointed to bear the memorial of this ſtate to the government of North-Carolina, be allowed the ſum of five dollars for every thirty miles travelling to and from the city of Raleigh, (in North-Carolina) and a like ſum for each and every day he may neceſſarily be engaged in the ſaid city, on the buſineſs of this ſtate, to be paid out of either of the treaſuries upon a warrant ſigned by the governor.

Sec. 5. *Be it enacted*, That Robert Weakley, James Robertſon, and James Winchester, be, and they are hereby authoriſed to audit and ſettle the claim of Robert King, for marking the road leading from Hamilton to Mero diſtrict, and apportion the amount to each county in the diſtrict of Mero; and when the commiſſioners ſhall ſo have ſettled the accounts, they ſhall certify the ſame under their hands and ſeals to the ſaid courts of the different counties, whoſe duty it ſhall be to make proviſion for the payment of their different quoto's, out of the taxes to be levied and collected in the different counties for the year one thouſand eight hundred and ſix.

Sec. 6. *Be it enacted*, That the fourth ſection of an act paſſed on the fourth day of Auguſt, one thouſand eight hundred and four, entitled, "An act aſcertaining the ſalaries of the ſeveral officers of government hereinafter named," be, and the

time is hereby revived, and shall continue in force until the end of the next general assembly.

Sec. 7. *Be it enacted*, That so much of the fourth section of an act, entitled, "An act to purchase for the state of Tennessee the patent right of Eli Whitney and Phinehas Miller, of a machine or new invention for cleaning cotton, commonly called the Saw-Gin," passed at Knoxville, the twenty-second day of October, one thousand eight hundred and three, as compels sheriffs to collect and account for the tax imposed by the said act; also so much of the fifth section of the aforesaid act as authorises the treasurer of the state to pay Miller and Whitney, their agents or attornies, their executors or administrators, the amount of the tax laid by the before-recited act, is hereby suspended until the end of the next stated session of the general assembly.

Sec. 8. *Be it enacted*, That the governor be, and he is authorised to draw a draft on either of the treasurers of this state, in favor of John Williams, Esquire, for the sum of two hundred dollars, on account of services by him to be performed, as agent to the state of North-Carolina, which sum shall be deducted out of his compensation, on the final settlement of his accounts.

Sec. 9. *Be it enacted*, That the governor be, and he is hereby authorised and required to draw a warrant on either of the public treasurers of this state, in favor of John B. Hood, Hugh Danlap, & John Lavender, public printers, for the sum of two hundred dollars, as a part of the amount of the sum which will be due them for printing the laws and journals of the present session.

Sec. 10. *Be it enacted*, That the governor shall be authorised, if necessary, to draw from either of the treasuries of this state, a sum not exceeding five hundred dollars, for the purpose of fulfilling any contract he may have made on behalf of this state, relative to opening and clearing the road from South-West Point and Tellico, to the state of Georgia, when said road shall be completed, and that he have power to appoint any number of commissioners, not exceeding three, for the purpose of viewing and reporting to him the state of said road, at such

time as he may think proper, who shall be allowed the sum of two dollars each, for every day they may be necessarily engaged in said business.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

A COPY—ATTEST,
WILLIAM MACLIN, SECRETARY.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY.

RESOLVED, That the senators from this state in Congress be instructed, and the representatives thereof be requested to use their endeavors with the proper authorities at the seat of the general government in order that such regulations may be made on the road leading through the wilderness from Natchez to this state, as are most likely to afford relief to the afflicted travellers thereof, either by the establishment of houses thereon under the superintendance of a proper officer, or otherwise, as may appear best calculated to promote the mitigation of human misery.

Resolved, That the governor be requested to transmit to each senator and representative of this state in the congress of the United States, a copy of the foregoing resolution.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY.

RESOLVED, That our senators in congress be instructed, and our representatives be requested to use their endea-

vors with the proper authorities at the ſeat of the general government, to carry into effect the opening of the Muſcle Shoals as ſoon as practicable, ſo that the ſame may be navigated with ſuch boats as commonly deſcend the Tenneſſee.

Reſolved, That the governor is hereby requeſted to tranſmit a copy of the foregoing reſolution to each of our ſenators and repreſentatives in the congreſs of the United States.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 1ſt, 1805.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

November 4th, 1805.

RESOLVED, That our ſenators be inſtructed, and our repreſentatives in congreſs are hereby requeſted to oppoſe the alteration in the federal conſtitution as propoſed by the ſtate of Maſſachuſetts, in the third clauſe of the ſecond ſection of the firſt article of the ſaid federal conſtitution, and the governor is hereby requeſted to tranſmit to each ſenator and repreſentative in the congreſs from this ſtate, this expreſſion of our opinion on the ſubject.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

ATTEST,
EDWARD SCOTT, *C. H. R.*
J. N. GAMBLE, *Clerk Senate.*

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

November 4th, 1805.

RESOLVED, That our ſenators in the congreſs of the United States be inſtructed, and our repreſentatives be requeſted, to take all legal and neceſſary ſteps, to uſe their utmoſt

exertions, as ſoon as the ſame is practicable, to obtain an amendment to the federal conſtitution, ſo as to authoriſe and empower the congreſs of the United States to paſs a law, whenever they deem it expedient, to prevent the further importation of ſlaves from any of the Weſt India Iſlands, from the coaſts of Africa, or elſewhere, into the United States, or any part thereof.

Reſolved further, That the governor be, and he is hereby requeſted to tranſmit copies of the foregoing reſolution to our ſenators and repreſentatives in congreſs; alſo to the executives of the different ſtates, with a requeſt that the ſame may be laid before their reſpective legiſlatures, for their conſideration and adoption.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

ATTEST,

EDWARD SCOTT, *Clerk H. Representatives.*
J. N. GAMBLE, *Clerk Senate.*

H

An ACT *to accept a Cession of the Claims of the State of North-Carolina, to a certain district of Western Territory.*

A DEED of Ceſſion having been executed, and in the Senate offered for acceptance to the United States, of the Claims of the ſtate of North-Carolina, to a diſtrict of territory therein deſcribed; which deed is in the words following viz.

To all who ſhall ſee theſe Preſents.

We the underwritten Samuel Johnſton and Benjamin Hawkins, Senators in the Congreſs of the United States of America, duly and conſtitutionally choſen by the Legiſlature of the ſtate of North-Carolina, ſend greeting.

Whereas the general aſſembly of the ſtate of North-Carolina, on the day of December, in the year of our Lord one thouſand ſeven hundred and eighty-nine, paſſed an act, entitled, "An act for the purpoſe of ceding to the United States of America, certain weſtern lands therein deſcribed," in the words following, to wit:

WHEREAS *the United States in Congreſs aſſembled, have repeatedly and earneſtly recommended to the reſpective ſtates in the union claiming or owning vacant weſtern territory, to make ceſſions of part of the ſame, as a further means, as well of haſtening the extinguiſhment of the debts, as of eſtabliſhing the harmony of the United States; and the inhabitants of the ſaid weſtern territory being alſo deſirous that ſuch ceſſion ſhould be made, in order to obtain a more ample protection than they have heretofore received: Now this ſtate being ever deſirous of doing ample juſtice to the public creditors, as well as the eſtabliſhing the harmony of the United States, and complying with the reaſonable deſires of her citizens:*

I. BE *it enacted by the General Aſſembly of the State of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſenators of this ſtate in the congreſs of the United States, or one of the ſenators and any two of the repreſentatives of this ſtate in the congreſs of the United States, are hereby authoriſed, empowered and required to execute a deed or deeds on the part and behalf of this ſtate, conveying to

the United States of America, all right, title and claim which this ſtate has to the ſovereignty and territory of the lands ſituated within the chartered limits of this ſtate, weſt of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line interſects it; running thence along the extreme height of the ſaid mountain, to the place where Watauga River breaks through it; thence a direct courſe to the top of the Yellow Mountain, where Bright's road croſſes the ſame; thence along the ridge of ſaid mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road croſſes the Iron Mountain; from thence along the extreme height of ſaid mountain, to where Nolichucky River runs through the ſame; thence to the top of the Bald mountain; thence along the extreme height of the ſaid mountain, to the Painted Rock, on French Broad River; thence along the higheſt ridge of the ſaid mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the ſaid mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the ſaid mountain, to the ſouthern boundary of this ſtate, upon the following expreſs conditions, and ſubject thereto—that is to ſay:

Firſt, That neither the lands nor inhabitants weſtward of the ſaid mountain ſhall be eſtimated after the ceſſion made by virtue of this act ſhall be accepted, in the aſcertaining the proportion of this ſtate with the United States, in the common expence occaſioned by the late war.

Secondly, That the lands laid off, or directed to be laid off by any act or acts of the general aſſembly of this ſtate, for the officers and ſoldiers thereof, their heirs and aſſigns reſpectively, ſhall be and enure to the uſe and benefit of the ſaid officers, their heirs and aſſigns reſpectively; and if the bounds of the ſaid lands already preſcribed for the officers and ſoldiers of the continental line of this ſtate, ſhall not contain a ſufficient quantity of lands fit for cultivation, to make good the ſeveral proviſions intended by law, that ſuch officer or ſoldier, or his aſſignee, who ſhall fall ſhort of his allotment or proportion, after all the lands fit for cultivation within the ſaid bounds are appropriated, be permitted to take his quota, or ſuch part thereof as may

be deficient, in any other part of the ſaid territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwiſe, then, and in that caſe, the governor for the time being, ſhall, and he is hereby required to perfect, from time to time, ſuch titles, in ſuch manner as if this act had never been paſſed. And that all entries made by, or grants made to all and every perſon or perſons whatſoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, ſhall have the ſame force and effect as if ſuch ceſſion had not been made; and that all and every right of occupancy and pre-emption, and every other right reſerved by any act or acts to perſons ſettled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforeſaid, ſhall continue to be in full force, in the ſame manner as if the ceſſion had not been made, and as conditions upon which the ſaid lands are ceded to the United States. And further, it ſhall be underſtood, that if any perſon or perſons ſhall have, by virtue of the act, entitled, "An act for opening the land office for the redemption of ſpecie and other certificates, and diſcharging the arrears due to the army," paſſed in the year one thouſand ſeven hundred and eighty-three, made his or their entry in the office uſually called John Armſtrong's office, and located the ſame to any ſpot or piece of ground, on which any other perſon or perſons ſhall have previouſly located any entry or entries, that then, and in that caſe, the perſon or perſons having made ſuch entry or entries, or their aſſignee or aſſignees, ſhall have leave, and be at full liberty to remove the location of ſuch entry or entries, to any lands on which no entry has been ſpecially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained ſhall extend, or be conſtrued to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the general aſſembly of this ſtate.

Thirdly, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, ſhall be conſidered as a common fund for the uſe and benefit of the United States of America, North Carolina incluſive, according to their reſpective and uſual pro-

portion in the general charge and expenditure, and ſhall be faithfully diſpoſed of for that purpoſe, and for no other uſe or purpoſe whatever.

Fourthly, That the territory ſo ceded, ſhall be laid out and formed into a ſtate or ſtates, containing a ſuitable extent of territory, the inhabitants of which ſhall enjoy all the privileges, benefits and advantages ſet forth in the ordinance of the late congreſs, for the government of the Weſtern Territory of the United States, that is to ſay: Whenever the congreſs of the United States ſhall cauſe to be officially tranſmitted to the executive authority of this ſtate, an authenticated copy of the act to be paſſed by the congreſs of the United States, accepting the ceſſion of territory made by virtue of this act, under the expreſs conditions hereby ſpecified; the ſaid congreſs ſhall at the ſame time aſſume the government of the ſaid ceded territory, which they ſhall execute in a manner ſimilar to that which they ſupport in the territory weſt of the Ohio; ſhall protect the inhabitants againſt enemies, and ſhall never bar or deprive them of any privileges which the people in the territory weſt of the Ohio enjoy: *Provided always*, That no regulations made or to be made by congreſs, ſhall tend to emancipate ſlaves.

Fifthly, That the inhabitants of the ſaid ceded territory ſhall be liable to pay ſuch ſums of money, as may, from taking their cenſus, be their juſt proportion of the debt of the United States, and the arrears of the requiſitions of congreſs on this ſtate.

Sixthly, That all perſons indebted to this ſtate, reſiding in the territory intended to be ceded by virtue of this act, ſhall be held and deemed liable to pay ſuch debt or debts in the ſame manner, and under the ſame penalty or penalties, as if this act had never been paſſed.

Seventhly, That if the congreſs of the United States do not accept the ceſſion hereby intended to be made, in due form, and give official notice thereof to the executive of this ſtate, within eighteen months from the paſſing of this act, then this act ſhall be of no force or effect whatſoever.

Eighthly, That the laws in force and uſe in the ſtate of North-Carolina, at the time of paſſing this act, ſhall be, and continue in full force within the territory hereby ceded, until the ſame ſhall be repealed, or otherwiſe altered by the legiſlative authority of the ſaid territory.

Ninthly, That the lands of non-reſident proprietors within the ſaid ceded territory, ſhall not be taxed higher than the lands of reſidents.

Tenthly, That this act ſhall not prevent the people now reſiding ſouth of French Broad, between the rivers Tenneſſee and Big Pigeon, from entering their pre-emptions in that tract, ſhould an office be opened for that purpoſe, under an act of the preſent general aſſembly.

II. *And be it further enacted by the authority aforeſaid*, That the ſovereignty and juriſdiction of this ſtate, in and over the territory aforeſaid, and all and every the inhabitants thereof, ſhall be and remain the ſame in all reſpects, until the congreſs of the United States ſhall accept the ceſſion to be made by virtue of this act, as if this act had never paſſed.

Read three times, and ratified in General Aſſembly, the day of December, A. D. 1789.

CHAs. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, ſenators aforeſaid, by virtue of the power and authority committed to us by the ſaid act, and in the name, and for and on behalf of the ſaid ſtate, do, by theſe preſents convey, aſſign, transfer and ſet over unto the United States of America, for the benefit of the ſaid ſtates, North-Carolina inclusive, all right, title, and claim which the ſaid ſtate hath to the ſovereignty and territory of the lands ſituated within the chartered limits of the ſaid ſtate, as bounded and deſcribed in the above recited act of the general aſſembly, to and for the uſes and purpoſes, and on the conditions mentioned in the ſaid act.

In witneſs whereof, we have hereunto ſubſcribed our names, and affixed our ſeals, in the ſenate-chamber at New-York, this twenty-fifth day of February, in the year of our Lord, one thouſand ſeven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM: JOHNSTON. (L. S)
BENJAMIN HAWKINS. (L. S.)

Signed, ſealed, and delivered in the preſence of
SAM: A. OTIS.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the said deed be, and the same is hereby accepted.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States and President of the Senate.*

APPROVED, April the second, 1790.

GEORGE WASHINGTON,
President of the United States.

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ERRATA.

Chapter ten, page twelve, twelfth line from the bottom, for apportioning, read appointing.

Page 32, chapter 38, sixth line from the beginning, after the words forth in, read an.

Page 65, chapter 64, first line of the caption, for from, read form.

Page 67, same chapter, sixth line from the bottom, for, proportionably, read proportionally.

Page 84, 19th line from the top, for is, read in.